

NOTICE OF MEETING NPDES TECHNICAL ADVISORY COMMITTEE (TAC)

TUESDAY, JULY 21, 2015 – 10 AM to NOON
SAN MATEO MAIN LIBRARY, OAK ROOM
55 WEST THIRD AVENUE, SAN MATEO
(See location map on back)

AGENDA

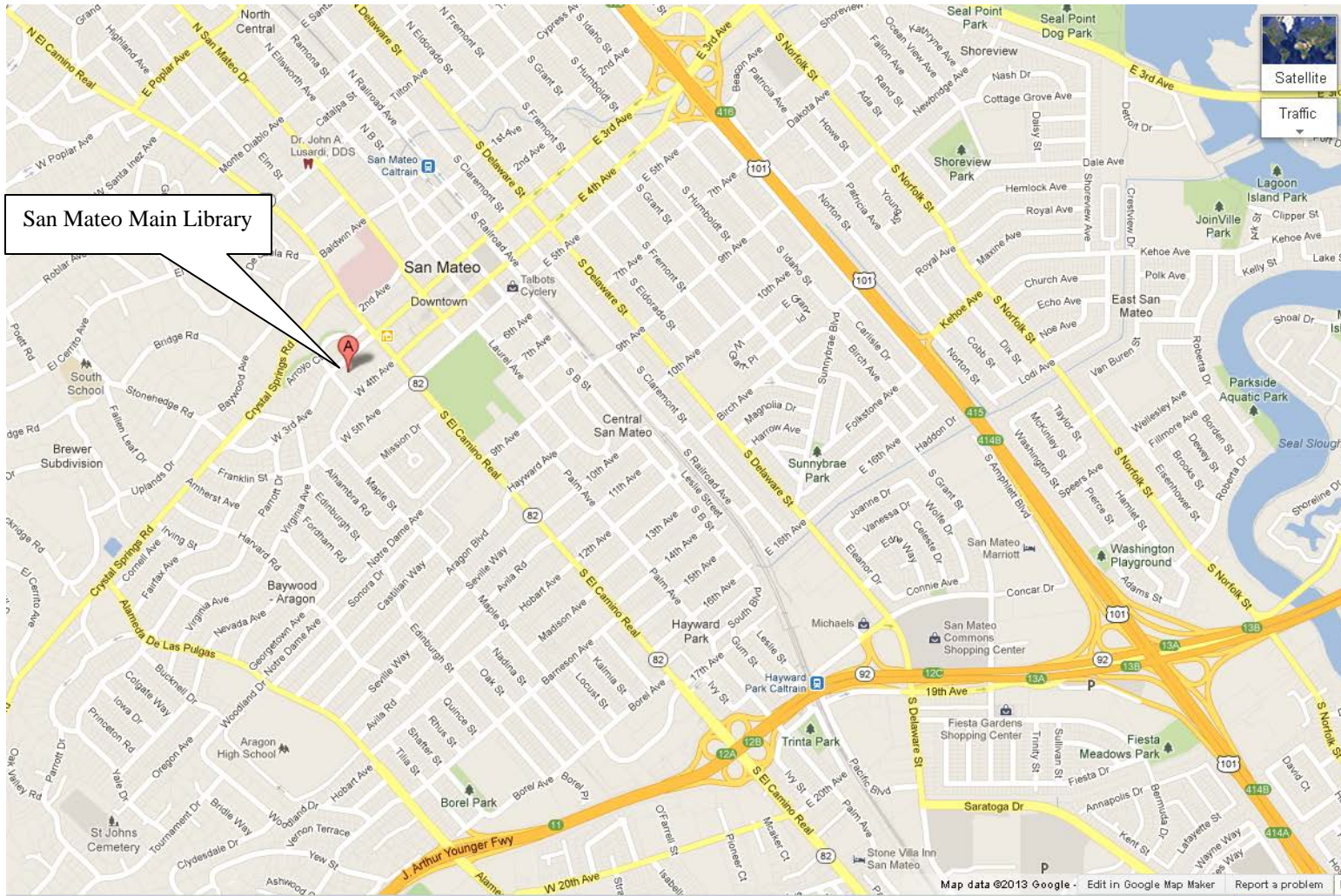
1. **INTRODUCTIONS, ANNOUNCEMENTS, AGENDA REVISIONS – MATT FABRY, Countywide Program Coordinator**
2. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** (limited to two minutes per speaker)
3. **APPROVAL OF MINUTES FROM PREVIOUS MEETING**
4. **REGULAR AGENDA**
 - A. **UPDATE – MRP 2.0: SUMMARY OF WATER BOARD HEARINGS, SMCWPPP COMMENTS (FABRY, JON KONNAN, EOA)**
 - B. **ACTION – MRP 2.0 PLANNING: REGIONAL, COUNTYWIDE, & LOCAL EFFORTS (FABRY, KONNAN)**
 - C. **INFORMATION – MRP COMPLIANCE OVERVIEW/QUARTERLY CHECK-IN (KONNAN)**
 - D. **INFORMATION – STATE/REGIONAL STORMWATER ISSUES & REGULATIONS UPDATE (KONNAN)**
 - E. **INFORMATION – OTHER ISSUES, SUBCOMMITTEE UPDATES**
5. **NEXT MEETING – October 20, 2015**

Post by 5:00 P.M., Friday, July 17, 2015

NOTE: Persons with disabilities who require auxiliary aids or services in attending and participating in this meeting should contact Matthew Fabry at 650-599-1419, five working days prior to the meeting date.

Public records that relate to any item on the agenda for a regular NPDES Technical Advisory Committee (TAC) meeting are available for public inspection. Those records that are distributed less than 72 hours prior to the meeting are available for public inspection at the same time they are distributed to all members, or a majority of the members of the TAC. The TAC has designated C/CAG's office at 555 County Center, 4th Floor, Redwood City, for purpose of making those public records available for inspection. The documents are also available on the Countywide Program's website at www.flowstobay.org, and C/CAG's website, at the link for agendas for upcoming meetings. The website is: <http://www.ccag.ca.gov>.

MEETING LOCATION
San Mateo Main Library, Oak Room, 55 West Third Avenue, San Mateo
(PARK IN LIBRARY'S UNDERGROUND GARAGE)



C/CAG AGENDA REPORT

Date: July 21, 2015
Item: 3
From: Matthew Fabry, Program Coordinator
Subject: Approval – NPDES TAC meeting minutes – April 21, 2015

(For further information or response to questions, contact Matthew Fabry at 650-599-1419)

RECOMMENDATION

Approve April 21, 2015 NPDES Technical Advisory Committee meeting minutes as drafted.

ATTACHMENTS

1. Draft April 21, 2015 Minutes

**NPDES Stormwater
Technical Advisory Committee (TAC)
REPORT OF MEETING**

**TUESDAY, APRIL 21, 2015
10:00 to NOON
CITY OF SAN MATEO**

1. INTRODUCTIONS, ANNOUNCEMENTS, AGENDA REVISIONS: Self-introductions were made. Matt Fabry (Program Coordinator) reported the C/CAG RFQ for technical consulting services to assist with MRP compliance has been released (see C/CAG's web page). Next steps include selecting the most qualified consultants, bringing on-call contracts for approval to the June C/CAG Board meeting, and then soliciting proposed scopes and budgets from the consultants for FY 2015/16 services.

Matt noted that C/CAG may not have sufficient revenue to provide San Mateo County local agencies with all the stormwater permit compliance assistance desired and therefore will need to prioritize. C/CAG will need feedback from the local agencies to help with this prioritization. Matt expects that C/CAG will continue to provide assistance with water quality monitoring, public outreach, trash controls, GI planning, and PCBs/Hg controls and reasonable assurance. Matt is working on a budget for future years. C/CAG likely will not solicit large parts of work until the new permit is adopted, but will need to procure some consultant assistance to bridge the gap between the end of the fiscal year and the MRP 2.0 effective date, which is currently anticipated to be near the end of the calendar year.

Matt noted that the CII committee recently discussed obtaining a group subscription to the CASQA Industrial and Commercial BMP Handbook portal. A handful of cities expressed interest. Being able to use a subscription would be priority for the County because it represents a number of agencies.

Julie Casagrande (San Mateo County) asked about jurisdiction-specific activities such as TMDLs. Agencies could pool funding for a particular MRP compliance task that is only relevant to some of the jurisdictions in the county. She noted that new TMDLs are coming soon (e.g., in San Mateo and Half Moon Bay). The County would be interested in contributing extra funding to C/CAG so that C/CAG could assist with managing these tasks. Matt noted that we could further discuss that sort of approach but it has not been used in the past and that the local agencies don't currently contribute directly to C/CAG.

Matt noted the potential countywide funding initiative has been on hold since last year. Legislation to give C/CAG authority to administer the initiative was signed into law by the governor last year. C/CAG still needs to amend its JPA, which will be a process. A Steering Committee with Public Works directors and one city manager provides guidance for the initiative. So far the funding needs analysis and opinion research tasks have been completed, though the former may be updated. However, the funding needs are not anticipated to change dramatically enough to change the big picture, which is that the needs exceed the willingness of the public to provide funding. The soonest the initiative would go forward would be spring 2016. This would enable getting it done before the November 2016 ballot which may include other funding initiatives. However, it is uncertain whether the initiative will ever move forward. Last year some agencies appeared to lack interest in participating.

Jon Konnan (EOA, Inc.) provided a heads up that there is a conflict on June 17 between a CII meeting and the annual New Development workshop. The Committee recommended that EOA email the CII to determine if attendance would be low due to the conflict. If so, the CII meeting should be rescheduled.

Matt noted the statewide trash amendments were adopted, and some new agencies like BART and Phase II municipal stormwater Permittees will have to do more to address trash.

2. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA: None.

3. APPROVAL OF MINUTES FROM PREVIOUS MEETING: The draft October 2014 minutes were adopted as written.

4. REGULAR AGENDA

A. INFORMATION – UPDATE ON MUNICIPAL REGIONAL PERMIT REISSUANCE –

Matt provided the Committee with an update on ongoing discussions with Regional Water Board (RWB) staff regarding the Administrative Draft released in February for the reissued MRP. Bay Area stormwater program and Permittee staff continued working with RWB staff via various workgroups and collaborated regionally to provide RWB staff consolidated comments on the Administrative Draft in March, which primarily took the form of redline/strikeout versions of the draft permit provisions. The highest priority concerns identified focused on provisions for 1) New/Redevelopment and Green Infrastructure, 2) Trash Load Reduction, and 3) Mercury and Polychlorinated Biphenyls (PCBs) Controls. At a regional MRP 2.0 Steering Committee meeting on April 2, stormwater program staff presented these priority issues and RWB staff responded, as summarized below.

Key concerns for New/Redevelopment and Green Infrastructure include:

1. Green Infrastructure (GI) – required level of effort and time frames for MRP 2.0 compliance, for both GI plans (framework due June 2016) and early implementation. RWB staff agreed that the level of effort specified in GI plans should vary among agencies and will work with municipal staff to understand what type of early buy-in (i.e., by June 2016) is possible from each agency for its GI plan (e.g., given the typical city council process).
2. LID Definition – giving bioretention equal status to other LID measures and eliminating feasibility analysis. RWB staff appears to have agreed to this, contingent upon good GI planning, and with a few details to be worked out.
3. Hydromodification – consolidation of requirements and allowance of an alternative sizing approach (direct simulation of erosion potential) to meet the existing HM standard. RWB staff is open to considering alternative approaches.
4. O&M Verification of Pervious Pavement – limit to installations on Regulated Projects approved after Permit effective date and above a certain size threshold for certain uses. RWB staff is OK with this only applying to projects approved under MRP 2.0 but still considering what size threshold if any may be appropriate.

Key concerns for Trash Load Reduction include:

1. Frequency and timing of compliance dates (including 2022 "no adverse effect" date). RWB staff is willing to eliminate the 2016 compliance date but maintain it as a reporting check-in (i.e., "dress rehearsal") before the 2017 compliance date. RWB staff is not willing to go before their Board at this time and ask for the 2022 date to be extended to 2025.
2. Geographical extent and frequency of on-land trash assessments. RWB staff willing to continue discussing this but cautioned that if a Permittee claims that certain actions are working but has done insufficient assessment it may be vulnerable to enforcement.
3. Accounting for source control benefits and creek/shoreline cleanup actions. RWB staff is open to continued discussion.

4. Intent/purpose of receiving water observations. RWB staff agrees that receiving water observations will not be a compliance point.

Key concerns for Mercury/PCBs Controls include

1. Approach to compliance: BMP-based vs. load reduction requirement or a hybrid, and linkage to GI provisions in C.3. Permittees need a clear and feasible pathway to compliance. The administrative draft's approach of requiring a load reduction and then developing an accounting system early in the permit term to credit BMPs requires a leap of faith unacceptable to local agencies. RWB staff continues to support making the compliance point achievement of a load reduction number rather than implementation of BMP programs.
2. Accounting – can we agree on the scope and assumed interim benefits of major BMP programs before the permit is adopted? Stormwater staff has been working with RWB staff to try to develop an accounting system that could be incorporated into the permit. Compliance would not be based on achieving a load reduction but instead would be based on implementing BMP programs designed to reach a load reduction target or action level. The target would be informed by what the BMP programs could achieve based on the upfront agreed upon accounting system.
3. Management of PCBs in building materials during demolition – what is the best approach and over what time frame? RWB staff believes that this type of BMP program should be administered at the local level, since local agencies already regulate demolition. Although there are high levels of PCBs in caulks/sealants in certain buildings, it is uncertain whether the PCBs are released to the environment during demolition. Committee members expressed concern at committing resources before we are sure whether there is a problem, but acknowledged that other issues (potential human exposure at the site, disposal) suggest that a program to manage building materials during demolition could be beneficial, if developed in the right way (e.g., statewide program analogous to asbestos abatement).

Patrick Ledesma with (San Mateo County Environmental Health) noted that PCBs in building materials may be a minor source to stormwater and not worth making a large effort to control. A Redwood City intern recently found relatively low concentrations in samples of window caulking and sediment samples collected nearby to the same buildings where the window caulk was sampled. Jon noted that a Bay Area study found the highest concentrations of PCBs were in sealants between concrete parts of structures, but we don't know how much PCBs (if any) is getting into stormwater as a result of demolitions.

Matt noted that SMCWPPP also made an extra comment about C.2. In general, stormwater representatives have generally been happy with RWB staff's willingness to make changes to other non-controversial provisions.

Finally, Matt noted that a Tentative Order of the permit is scheduled for release in May and that will provide the opportunity for further comment, since the public review period begins with release of the Tentative Order.

B. INFORMATION – UPDATE ON POTENTIAL NEW WATER MANAGEMENT

AGENCY – Matt reported that County Supervisor Dave Pine is advocating for a new countywide water management agency. There is particular concern about sea level rise. The existing San Mateo County Flood Control District (FCD) has very limited funding and jurisdiction. For example, a watershed study on Belmont Creed due to flooding of manufacturing facility concluded that a \$17M project is needed to address the problem. No such funding is currently available. A countywide groundwater management plan is lacking as well. There is a potential

need to coordinate installation of new water supply wells because of the drought. It has also been proposed that the new water management agency would incorporate the stormwater management program currently administered by C/CAG. Two approaches have been discussed: a JPA or expanding the existing FCD. A subset of city managers decided to recommend the latter. The County is offering start-up funding. Overall, the city manager's group concurred with the approach during its March meeting. However, there was subsequent push back from elected officials in C/CAG's resource/climate committee who felt we already have an effective JPA for these needs. A presentation at the C/CAG Board meeting in May is next. The County has begun moving forward, with county counsel exploring legislative action for the FCD to expand and associated budgeting. Matt expressed concern that lumping stormwater with other topics will result in lower priority and funding for stormwater. Matt noted that this proposed initiative could lead to cancellation of the countywide stormwater only funding initiative.

C. INFORMATION – MRP COMPLIANCE OVERVIEW/QUARTERLY CHECK-IN – Committee members were referred to the table in the agenda package. It provides an update on compliance activities that should have been completed in the previous quarter and those that will need to be completed in the upcoming quarter. The document summarizes some compliance highlights but should not be thought of as a replacement for the MRP.

D. INFORMATION – STATE/REGIONAL STORMWATER ISSUES & REGULATIONS UPDATE – Committee members were referred to the table in the agenda package.

E. INFORMATION – OTHER ISSUES, SUBCOMMITTEE UPDATES – Committee members were referred to the agenda package for a summary of upcoming meetings and workshops and minutes from last month's subcommittee and workshop meetings.

Matt mentioned higher-level municipal representatives are wanted for the upcoming litter roundtable (June 24) and he previously emailed the Stormwater Committee accordingly.

Matt noted that three corporation yard trainings are planned in May through the Municipal Maintenance Subcommittee.

Matt noted attendance at TAC meetings has dwindled since we switched to the quarterly format. Matt asked the group about the utility of these meetings. Julie noted that information from the Stormwater Committee does not get disseminated to staff. In general, committee members seemed to feel that the TAC meeting remain valuable. Matt will add the TAC to the Stormwater Committee distribution. Matt also noted that we always meet quarterly (January, April, July and October) on the third Tuesday so committee members should mark their calendars.

5. NEXT MEETING: The next meeting is scheduled for July 21, 2015 at the usual location: the Oak Room in the City of San Mateo Main Library.

MEETING ADJOURNED

C/CAG AGENDA REPORT

Date: April 16, 2015
Item: 4A
From: Matthew Fabry, Program Coordinator
Subject: Update – MRP 2.0: Summary of Water Board Hearings, SMCWPPP Comments

(For further information or questions contact Matthew Fabry at 650 599-1419)

RECOMMENDATION

Receive update on the revised draft Municipal Regional Permit reissuance process, including summaries of recent Regional Water Board hearings and Countywide Program comments.

BACKGROUND

Regional Water Board staff released in early May as a Tentative Order a revised Municipal Regional Permit (MRP), which expired at the end of November last year. The MRP is issued for five year terms. Two public hearings/workshops were held on June 10 and July 8, with the latter focused only on the trash provision and the former on everything else. Written comments were due July 10.

Staff will provide a verbal summary of the hearings and submitted comments. The Countywide Program's comment letter was previously emailed to committee members, as was a written transcript of the June 10 hearing. Summary notes of the July 8 hearing are attached. All written comments submitted on the Tentative Order are posted on the Water Board's website at the following URL:

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/mrp_sw_reissuance.shtml

ATTACHMENTS

1. Summary Notes – July 8, 2015 Regional Water Board Hearing

Staff Notes from July 8, 2015 Regional Water Board Hearing

Board Chair Dr. Terry Young opened the hearing, Members Abe-Koga and Muller recused themselves (Ajami was absent), swore in those planning to testify, and indicated the planned order of business:

1. Report out from the Water Board subcommittee on the June 10, 2015 hearing
2. Water Board staff report on the trash provision in MRP 2.0
3. Water Board member reactions to the Tentative Order's trash provision
4. Public testimony
5. Water Board member questions of staff and Board discussion.

Report from Subcommittee

Dr. Young provided tentative findings and recommendations from the subcommittee of the full Board (Young, Lefkovits, and Ajami) on the June 10, 2015 hearing on all provisions of the Tentative Order except trash.

Regarding Green Infrastructure:

- TO requirement to produce a framework within one year is reasonable
- Supports approval at a level within each municipality high enough to ensure oversight of most departments/personnel that would be doing the work on the green infrastructure plans, but with no particular preference or attachment to who provided the approval.
- TO provides sufficient specificity on what needs to be included in GI plans and supports the idea of a Regional Board template, but does not want to make it mandatory.
- Agrees that funding sources for plan implementation are uncertain, but that is not reason to delay developing plan frameworks.

In regard to PCBs,

- Supports numeric load reductions and timelines as specified in the TO.
- She expressed concern that for two elements, the Board is relying on permittees for making determinations – specifically the load reductions within each county and the assessment methodology, indicating this is a suboptimal way to proceed based on experience with trash assessment methodology and load reduction crediting system submitted by permittees.
- Prefers the permit and fact sheet define default allocations within each county if permittees can't establish acceptable alternatives on time.
- With regard to the assessment methodology, recommends the Water Board adopt one by "X" date if permittees can't develop an acceptable approach on time.
- Wants default building demolition credit values in permit or decline to credit building demolition credits if permittees can't develop an acceptable value.
- Concerned with the current approach in which if a group or county achieves aggregate load reductions, everyone is deemed in compliance, which allows free riders.

- Interested in exploring options to allow credit for one jurisdiction for actions in another jurisdiction through an offset system.

Regarding permittees' desire for a clear path to compliance:

- TO provides sufficient detail on options for achieving load reductions and builds in a ramp-up period for projects, and as such, she believes there is a clear path to compliance.
- Agrees Water Board needs to help cities on private property issues and believes staff needs to follow-up on testimony indicating PG&E and railroad rights-of-way are significant contributors to PCB loading to the Bay.
- Agrees with a state-level push for achieving support from the building industry on PCB load reductions.

Board member Stephen Lefkovits commented that there are benefits to allowing electronic submittal of reporting documents and that the Board should help to reduce the reporting burden identified in permittee testimony by allowing submittal through various e-delivery systems (e.g., Dropbox, Box, etc.). He also was ok with other methods of reaching communities on outreach requirements than traditional advertising campaigns.

Board member James McGrath offered his opinion after reading the transcript of the June 10 hearing. Regarding PCBs:

- The BMPs in the TO are valid and well thought out.
- Not certain LID/Green Infrastructure is the right fix for PCBs.
- Removing caulk might work, but you have to control dust, which is nearly impossible in an urban environment.

In regard to the Provision C.3 New and Redevelopment/Green Infrastructure requirements:

- Vested development rights are not necessarily guaranteed, indicating development proposals that have received prior approval can still be required to meet the new development standards in the MRP.
- One year timeframe for a green infrastructure plan framework approval: thinks staff should look for some compromise for conceptual approval within the one-year timeframe, but not council approval.
- Called out specific commenters from the June hearing as impactful testimony for him, including:
 - CeCe Sellgren of Contra Costa County
 - Maurice Kaufman from Emeryville
 - Jason Rogers from San Jose
 - Vaikko Allen from Contech
 - Dan Cloak with the Contra Costa County Clean Water Program
 - Michelle Quinney with Cambell
 - (NOTE: See June 10 transcript for details on testimony provided by these individuals).

Next, Water Board staff member Dale Bowyer provided a presentation on the proposed trash requirements.

Dr. Young then provided her initial reaction to the trash provision in the TO.

- There has to be an enforceable standard in 2019 or 2020 – can't be a non-enforceable performance standard, makes no sense to have an enforceable standard in the middle of the permit and not one at the end.
- For 2019 or 2020, something like 85% or 90% load reduction, respectively
- The permit needs to spell out consequences for non-compliance, and suggested if the 70% number is not reached to the satisfaction of the Executive Officer then the EO may require full capture treatment for up to 100% of the remaining Very High, High, and Moderate trash generation areas.
- Disagrees that permittees can extrapolate assessments to other similar areas – need 10% minimum assessment in all Trash Management Areas.
- Agrees with permit's proposed credits and offsets for source control and creek/shoreline cleanups, and believes these need to be phased out eventually
- There are a series of requirements not stated clearly enough
 - Additional detail needed for frequency of visual assessments
 - Receiving water observations – locations, dates, also reaches treated with full trash capture systems
 - Definition of allowable/certified full trash capture devices
 - Private lands and how it meshes with compliance dates

Lefkovits questioned whether there are more opportunities for education – trash is a perpetual problem, but not everywhere due to education and awareness.

McGrath indicated trash control is hard for local governments because it's different. From his perspective, agencies are nowhere near 40% reduction. Much has been funded by grants, cities don't have funds to maintain installed devices. Need more local governments to tax litter-generating local establishments, such as fast food restaurants. Schools currently do little to educate, need to engage the University of California system. Redevelopment provides an opportunity to address trash. Need to do a better job on monitoring.

Board member William Kissinger indicated MRP 2.0 was a big improvement and said it's critical that what the Board approves be effective and have predictable metrics – consistent, coherent, and enforceable.

Chair Young then initiated the public testimony process.

Matt Fabry, Bay Area Stormwater Management Agencies Association Chair

- Overview of financial challenges due to Proposition 218 and new stormwater resource planning requirements

- Need for integration of green infrastructure into regional and state planning/funding for climate change and transportation investments,
- Trash accomplishments by permittees over MRP 1.0
- Recommendations for Board members to assist permittees with short-term compliance costs.

Allison Chan, Save the Bay

- Requests Water Board certify permittee trash load reduction plans and Board staff indicate acceptable activities.
- If permittees fail to meet load reduction deadlines, they should be required to install additional full trash capture devices.
- Receiving water monitoring section needs work.
- Specify that permittees track trash along creek bank/shoreline, trash flows in receiving water, work with experts, permittees, stakeholders to develop near-term assessment methods, and incorporate methods through the Tracking California's Trash grant.
- For visual assessments, permit should specify no less than twice per quarter in moderate, high and very high generation areas. Alternative would be outfall monitoring.
- Trash should be characterized by dominant type during assessments to help with source control efforts.
- Source control credits should be allowed up to 15% if supported by strong evidence of associated trash reduction.
- Direct discharge control programs should have established funding and staffing plans, describing interdepartmental and public/private/NGO collaboration.

Bob Simmons, Mayor, Walnut Creek, and Chair of Walnut Creek Watershed Council

- Difficulty of conducting creek cleanups
- Importance of source controls
- Sources not in City's control – Caltrans, BART, schools
- Give cities credit – not one size fits all
- Consider this a partnership with shared goals and allow flexibility, encourage watershed based efforts
- Comment from McGrath – appreciated comment about cultural changes needed. What is best way to engage schools in this effort? No specific response – will meet with school boards

Paul Lawrence, Councilman, San Pablo

- 60% of residents are low income, not a lot of resources
- Focusing on education and aggressive source control
- If go to 100% FTC, maintenance costs will be 25% of street maintenance budget
- Comment from Young re: requesting flexibility – says this is the path they are allowing in MRPs 1.0 and 2.0, unlike the State requirements. They want to promote this but need accountability and prescriptive requirements for those that don't perform.
- Kissinger – is anyone exploring giving credit for these different approaches?

Laura Hoffmeister, Vice Mayor, Antioch

Loella Haskew, Mayor pro-tem, Walnut Creek

- Thinks they are being punished by early adoption of source control credits – removes incentive to be a leader

Diane Burgess, Executive Director of Friends of Marsh Creek

Timm Borden, Cupertino

Kerri Romanow, San Jose

- Accomplishments (including reducing homeless population by 37%)
- Important to retain incentives for source control – want 25% credit

Miriam Gordon, Clean Water Action

- Permit requirements are confusing
- No info on how much trash escapes FTC devices in large storms
- Source control efforts are effective and should be emphasized - Board should provide 15% credit for source control
- Permittees should be required to do trash characterization
- Municipalities should enact a litter fee on litter-prone items

Tom Dalziel, CCCWP

- Requested more time to attain 70% reduction
- Lack of funding, no reduction in other areas of the permit

Lesley Estes, Oakland

- Concern that defining path to compliance eliminates incentives for long term sustainable change (e.g., source control, education)

Jim Scanlin, ACCWP

- More credit for education programs
- Visual assessments too subjective, should not be used as compliance tool
- Achieving 70% is a Herculean task, need more time
- Question from McGrath – interested in raising consciousness of school children but wants to know how effective – would love to see data on this.
- Question from Kissinger – would like to see comment on whether this are... there a way to measure

Heidi Geiger, San Jose, Dept. of Transportation

- Maintenance frequency/reporting requirements do not allow flexibility
 - E.g., clogged inlets may not be a result of more trash (leaves) so should not increase frequency
 - Inlet cleaning is hard work (done with shovels) and there are worker safety issues. HDS systems are hard to clean – new trucks and equipment
 - Still learning best approaches

George Torgun, SF Baykeeper

- Disappointed about current permit results – no improvement in receiving waters
- Agree that visual assessment approach is flawed

- Will propose an approach that requires an end-of-pipe capture device
- Does not support additional credits for source controls

Karina Samkien, San Pablo

- Mapping private properties not useful and burdensome
- Response from McGrath – asked that SFR properties be exempt and that mapping be optional

Elisa Wilfong, Hayward

- Prefer large devices because they are more cost effective to maintain. Purchasing and installing take more time than permit allows. Would like more options for FTC devices
- Got a grant to develop trash education program, but no credit allowed. Asked for credit, or remove trash education requirement from C.7
- Asked for credit for creek cleanups

Vaikko Allen, Contech

- Requested that receiving water monitoring requirements be strengthened
- Maintenance should be documented with photographs
- Discussed use of C.3 measures for trash control – different design standards and performance

Eric Anderson, Mountain View

- Cost of getting to 70% - \$7M
- Raise credit for source controls

Kirsten Struve, Palo Alto

- Increase credit for source controls to 25% – presented data
- Visual assessments cannot measure small changes

Nancy Humphrey, Emeryville

- 30% of her time is spent on reporting – needs to be reduced to allow more time to accomplish implementation
- Comment from Young – appreciates comment and has asked for our ideas on how to reduce reporting and still provide accountability. McGrath – agrees, and thinks we

Chris Sommers

- Need more clarity on the receiving water monitoring – what are we trying to achieve – clouds ability to measure effect of on-land improvements
- Let's phase in over time – need time to develop methodology. Very difficult to monitor outfalls. The current methods are a work in progress – through grant program, are trying to develop link between actions and results. Data available at end of next year.
- Reporting – now report on every TMA. Can reduce and focus on key indicators.

Gene Waddell, Fremont

- Idea to require that commercial properties install FTC devices as they redevelop

Dan Cloak

- Inherent variability makes it difficult to detect a trend. Results, say of education programs, take time and you will not see it in the short term. Product bans work and we have seen the results in the short term.

- Promoted LID as preferred solution. Claimed that facility design for LID captures 1 year, 1 hour storm. Asked for flexibility in permit language to modify design, if needed.

Michele Mancusa, Contra Costa County

Jon Konnan, EOA/BASMAA

- Agree with need for certainty
- Parameters in accounting system are highly variable, some not within permittees control
- Control of PCBs in building materials should be done via state or federal programs

John Steere, Contra Costa County

CeCe Sellgren, Contra Costa County

Obaid Kahn, Dublin

Brett Calhoun, SCVWD

- Support for source controls, suggested change in redemption values

Michelle Daher, East Palo Alto

- Don't have legal access to the creek – asked for Board's help

Laura Hoffmeister (on behalf of Clayton)

Questions from Board members to staff

- Kissinger – what is staff's reaction to giving more credit to source reduction?
 - Tom Mumley – the 5% is on top of the credit you get for actual reduction of trash documented in TMAs. Don't want to "double dip" – would have to phase out eventually because you would get more than 100% reduction
- Kissinger – what about providing more flexibility in other methods?
 - Tom – permit allows for other methods, and is biased toward methods that are documented to be effective
- Kissinger – how to address reporting issues (Young – and timing of permit and reporting)
 - Tom – will work out a transition reporting scheme with municipalities
 - Tom – will also continue to look at reporting requirements to make sure that it is all valuable
- Lefkovitz – permit is full of process and administrative tasks that don't have any clear outcomes. Have to find a way to reconcile common sense approaches like education and source control. Since there is not certainty in the measurement, why not give credit to these programs.
 - Dale – for the 40% target, no one took more than 1-2% credit for education programs. Tom – that's because WB staff advised them not to, since it is difficult to quantify. As we strive to quantify outcomes, where is the noise level? By limiting to 5%, stay within the noise and avoid double dipping. With a process based approach comes a higher reporting burden.

WB Staff Comments

- Tom – mapping of private lands – attempt to make sure that these areas are accounted for. "Mapping" is intended to mean gross level mapping at the level of detail as the TMA mapping. Care about whether trash from that area is being managed. Can make that more clear. Bruce – clarified that WB staff will not ask for the maps; they should be used internally.

Board Member Reaction to Today's Hearing

- McGrath
 - Definitely interested in new source control measures
 - Would like to see cities develop own funding mechanisms (e.g., use fees on litter-prone items) for business
 - Value of creek cleanups and stewardship culture needs to be recognized
 - Need to engage educational institutions
- Kissinger
 - Doesn't have a problem with double counting because there is evidence that source controls are effective
 - Should build into permit a lot of flexibility for different approaches
- Lefkovitz
 - Sees a lot of uncertainty and lack of clarity about the best approach. Should we look to other countries (Singapore?) Would be good to brainstorm ideas.
 - Complexity of entities involved – e.g., Caltrans. Would be useful to think about the list of exceptions and account for these.
- Young
 - Credits and offsets
 - Cleanup and direct discharge – should phase out as trash loading is reduced
 - Source reduction – liked Baykeeper comment that you are already getting the benefit, and Dan Cloak's comment that there is a big up-front investment that needs to be counter-acted with an incentive. Comfortable with 5%, but would not object if it went slightly higher. Does not think education qualifies for a credit. Bruce – public education also required in C.7 so it would be double dipping.
 - Other entities – need to work on our relationship with Caltrans. Not fair to rely on municipalities to do that.
 - Reporting – try to find a way to phase in an improved reporting process during the permit term
 - Flexibility on maintenance schedule – didn't see anything in the permit that looked inappropriate; however, if someone has a better way to show effective maintenance, would like to create the opportunity for the permittee to propose that for EO approval
 - Receiving water observations – agreed we need to better define the management questions and methodology, and firm up why this is needed
 - Has not changed her stance on any of the issues expressed at the beginning of hearing – thinks permit is extremely flexible, and that the Water Board needs to do something if someone is out of compliance
- McGrath
 - Priorities – referred to Matt Fabry's presentation about costs related to PCBs vs. trash. Thinks trash should be higher priority than these pollutants.
 - Caltrans – expects to see more action from Caltrans
 - Maintenance – thinks overly prescriptive as written. Local governments should make the decisions as to the most cost-effective solutions and how to maintain the mix of devices they have.

C/CAG AGENDA REPORT

Date: July 21, 2015
Item: 4B
From: Matthew Fabry, Program Coordinator
Subject: MRP 2.0 Planning: Regional, Countywide, & Local Efforts

(For further information or questions contact Matthew Fabry at 650 599-1419)

RECOMMENDATION

Provide input on aspects of the draft Municipal Regional Permit for which permittees anticipate needing countywide or regional assistance

BACKGROUND/DISCUSSION

Although still subject to change, staff does not anticipate major revisions to the Tentative Order prior to adoption by the Regional Water Board. As such, staff is soliciting receive feedback on aspects of the draft permit for which permittees anticipate needing C/CAG support, either for countywide implementation or via regional collaboration at the Bay Area Stormwater Management Agencies Association level. Staff needs to develop a prioritized list of permit provisions for which C/CAG's assistance is desired in order to solicit proposals for consultant support and evaluate cost impacts on C/CAG's funding availability for the Countywide Program. Although staff anticipates permittees needing support on major permit topics such as public education and outreach, water quality monitoring, and load reductions for trash mercury, and PCBs, it will be helpful to hear feedback on the particular needs in these and other categories in order to help formulate scopes of work for staff an consultants.

C/CAG AGENDA REPORT

Date: July 21, 2015
Item: 4C
From: Matthew Fabry, Program Coordinator
Subject: MRP Compliance Overview/Quarterly Check-In

(For further information or questions contact Matthew Fabry at 650 599-1419)

RECOMMENDATION

Staff will provide an update on compliance activities that should have been completed in the previous quarter and those that will need to be completed in the upcoming quarter.

ATTACHMENTS

1. Quarterly Compliance Check-In Tracking Spreadsheet

MRP Provision	MRP Requirement	Countywide Program	Member Agencies	Lead Subcommittee	Quarterly Check-ins for Permit Compliance and Related Items				
					2014		2015		
					Jul - Sep	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sep
C.2.a. Road Repair	Permittees shall develop and implement appropriate BMPs at street and road repair and/or maintenance sites to control debris and waste materials during road and parking lot installation, and repaving or repair maintenance activities such as those describe in the CASQA Handbook for Municipal Operations.	Provide training.	Continue to implement appropriate BMPs developed for street and road maintenance.	Muni. Maint.	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.2.b. Pavement Washing	Permittees shall coordinate with sanitary sewer agencies to determine if disposal to the sanitary sewer is available for wastewater generated from these activities provided that appropriate approvals and pretreatment standards are met.	N/A	Coordinate with sanitary sewer agency located where surface cleaning will occur to determine if disposal to the samitary sewer is available provided pretreatment requirements are met.	Muni. Maint.	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.2.b. Pavement Washing	Permittees shall implement, and required to be implemented, BMPs for pavement washing, mobile cleaning, pressure wash operations in such locations as parking lots and garages, trash areas, gas station fueling areas, and sidewalks and plaza cleaning, which prohibit the discharge of polluted wash water and non-stormwater to the storm drain.	N/A	Following your review of BASMAA's "Pollution from Surface Cleaning" BMPs http://www.basmaa.org/Portals/0/documents/pdf/Pollution%20Surface%20Cleaning.pdf implement these BMPs or more stringent BMPs for agency surface cleaning and require others to implement for their surface cleaning.	Muni. Maint.	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.2.c.i (2) Bridge & Structural Maintenance & Graffiti Removal	Permittees shall implement BMPs for graffiti removal that prevent non-stormwater and wash water discharges into storm drains.	N/A	Continue to protect nearby storm drain inlets before removing graffiti from walls, signs, sidewalks and prevent any discharge of debris, cleaning compound waste, paint waste, or washwater to storm drains or watercourses.	Muni. Maint.	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.2.c.i(1) Bridge & Structural Maintenance & Graffiti Removal	Permittees shall implement appropriate BMPs to prevent polluted stormwater and non-stormwater discharges from bridges and structural maintenance activities directly over water or into storm drains.	N/A	Determine the proper disposal method for particular wastes generated from these activities. Continue to train agency employees and/or specify in contracts the proper capture and disposal methods for waste captures. Consider using appropriate BMPs from "Caltrans Storm Water Quality Handbook Maintenance Staff Guide:" http://www.dot.ca.gov/hq/env/stormwater/special/newsetup_pdfs/management_ar_rwp/CTSW-RT-02-057.pdf	Muni. Maint.	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.2.d.i Pump Stations	Permittees shall develop and implement measures to operate, inspect and maintain stormwater pumps stations to eliminate non-stormwater discharges containing pollutants, and to reduce pollutant loads in the stormwater discharges to comply with WQS.	N/A	Continue to implement Inspection and Sampling Plan	Muni. Maint.	--	--	--	--	--
C.2.d.ii.(1) Pump Stations	Complete an inventory of pump stations within each Permittees' jurisdiction, including locations and key characteristics.	N/A	Update, if needed, pump station inventory	Muni. Maint.	--	--	--	--	--
C.2.d.ii.(2) Pump Stations	Inspect and collect DO data from all pump stations twice a year during the dry season.	N/A	Continue to mplement Inspection and Sampling Plan	Muni. Maint.	Program: Send reminder email by August 15th to agencies of requirement for 2 samples during dry season. Agencies: collect two DO samples from pump stations during dry weather for FY 14-15 (during July - September).	--	--	--	Program: Send reminder email by August 15th to agencies of requirement for 2 samples during dry season. Agencies: collect two DO samples from pump stations during dry weather for FY 15-16 (during July - September).
C.2.d.ii.(3) Pump Stations	If DO levels are at or below 3 mg/L, apply corrective actions to maintain DO concentrations of the discharge above 3 mg/L. Verify corrective actions are effective by increasing DO monitoring interval to weekly until two weekly samples are above 3 mg/L.	N/A	Continue to mplement Inspection and Sampling Plan	Muni. Maint.	Follow up corrective actions and sampling as needed.	Follow up corrective actions and samples as needed.	--	--	Follow up corrective actions and sampling as needed.

Note: this document should not be substituted for MRP

MRP Compliance Quarterly Check-in for SMCWPPP Municipalities

MRP Provision	MRP Requirement	Countywide Program	Member Agencies	Lead Subcommittee	Quarterly Check-ins for Permit Compliance and Related Items				
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C.2.d.ii.(4) Pump Stations	Inspect pump stations twice a year during the wet season in the first business day after one-quarter inch and larger storm events after a minimum of two week antecedent period. Post storm inspections shall include collecting and reporting presence and quantity estimate of trash, including the presence of odor, color, turbidity and floating hydrocarbons.	N/A	Continue to mplement Inspection and Sampling Plan	Muni. Maint.	--	Program: Send reminder email to inspect 2x after appropriate rain events. Agency: conduct 2 inspections after appropriate rain events.	Program: Send reminder email to agencies of requirement for 2 inspections during wet season and discuss at January Municipal Maintenance Subcommittee meeting. Agencies: conduct 2 inspections after appropriate rain events.	--	--
C.2.d.iii. Pump Stations	Annually report monitoring data, inspection and maintenance records, volume or mass of waste materials removed from pump stations, and any corrective actions.	N/A	Continue to complete reporting form	Muni. Maint.	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.2.e. Rural Public Works Construction and Maintenance	Permittees shall implement and require contractors to implement BMPs for erosion and sediment control during and after construction for maintenance activities on rural roads. Develop and implement appropriate training and technical assistance resources for rurl public works activities.	N/A	If your agency has determined that it is subject to the these requirements, continue to implement appropriate BMPs, such as, those contained in the FishNet 4C Roads Manual: http://www.fishnet4c.org/projects_road_s_manual.html	Muni. Maint.	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.2.e. Rural Public Works Construction and Maintenance	Permittees shall notify the Water Board, Fish and Game, and U.S. Army Corps of Engineers, where applicable, and obtain appropriate permits for rural public works activities before work in or near creeks and wetlands.	N/A	This requirement exists regardless of whether it was included in the MRP. Continue to implement the required notification and permit acquisition processes for rural public works activities.	Muni. Maint.	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.2.e. Rural Public Works Construction and Maintenance	Permittee shall identify and prioritize rural road maintenance on the basis of soil erosion potential, slope steepness, and stream habitat resources.		If your agency has determined that it is subject to the these requirements, identify and prioritize rural road maintenance.	Muni. Maint.	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.2.e. Rural Public Works Construction and Maintenance	Permittee shall develop and implement an inspection program to maintain rural roads' structural integrity and prevent impacts on water quality.		If your agency has determined that it is subject to the these requirements, develop and implement an inspection program.	Muni. Maint.	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.2.e. Rural Public Works Construction and Maintenance	Permittees shall provide training on BMPs to rural public works maintenance staff at least twice during permit term.		If your agency has determined that it is subject to the these requirements, provide 2 trainings.	Muni. Maint.	Ongoing. Note: SMCWPPP provided training in November 2013. Applicable agencies should have provided at least one other training by end of permit term.	Ongoing. Note: SMCWPPP provided training in November 2013. Applicable agencies should have provided at least one other training by end of permit term.	Ongoing. Note: SMCWPPP provided training in November 2013. Applicable agencies should have provided at least one other training by end of permit term.	Ongoing. Note: SMCWPPP provided training in November 2013. Applicable agencies should have provided at least one other training by end of permit term.	Ongoing. Note: SMCWPPP provided training in November 2013. Applicable agencies should have provided at least one other training by end of permit term.
C.2.f. Corp Yards	Permittees shall prepare, implement, and maintain a site specific SWPPP for corporation yards, including municipal vehicle maintenance, heavy equipment and maintenance vehicle parking areas, and material storage facilities.	N/A	Implement SWPPP and update as needed	Muni. Maint.	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.2.f. Corp Yards	Permittees shall inspect corporation yards at least annually before the start of the rainy season.		Conduct inspections	Muni. Maint.	Program: In August send reminder email to conduct corp yard inspections. Agencies: conduct annual corporation yard inspection for FY 14-15 reporting period before rainy season, i.e., before the end of Sept.	--	--	--	Program: In August send reminder email to conduct corp yard inspections. Agencies: conduct annual corporation yard inspection for FY 15-16 reporting period before rainy season, i.e., before the end of Sept.
C.3.a Performance Standards	(2) Have adequate development review and permitting procedures to impose conditions of approval or other enforceable mechanisms to implement the requirements of Provision C.3.	Update C.3 Checklist	Use the Countywide Program's updated C.3 checklist to apply the C.3 requirements to development projects.	New Dev	Checklist presented to NDS at August 12th meeting. Comments taken.	Final version of checklist approved at the October 28th NDS meeting.	The checklist has been converted to an Excel format for additional functionality. At the Feb.10th NDS meeting comments on the draft version were received and will be addressed.	Excel version of Small projects checklist produced and reviewed.	Complete Excel version of checklists.
C.3.a Performance Standards	(3) Evaluate potential water quality effects and identify appropriate mitigation measures when conducting environmental reviews, such as CEQA.	Not Applicable	Evaluate/mitigate water quality impacts in CEQA documents.	New Dev	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing

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C.3.a Performance Standards	(4) Provide training adequate to implement the requirements of Provision C.3 for staff including interdepartmental training.	Hold countywide training workshop on requirements of Provision C.3	Provide training adequate to implement Provision C.3 requirements	New Dev	Ongoing	Ongoing	Ongoing	Annual C.3 Training	Ongoing
C.3.a Performance Standards	(5) Provide outreach adequate to implement the requirements of Provision C.3., including providing education materials to municipal staff, developers, contractors, construction site operators, and owner/builders, early in the planning process and as appropriate.	Keep flyers current, as needed	Provide C.3 flyer and (as appropriate) the hydromodification management flyer to applicants.	New Dev	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.3.a Performance Standards	(6) For all new development and redevelopment projects not regulated by Provision C.3., encourage the inclusion of adequate site design measures that include minimizing land disturbance and impervious surfaces (especially parking lots); clustering of structures and pavement; disconnecting roof downspouts; use of micro-detention, including distributed landscape detention; preservation of open space; protection and/or restoration of riparian areas and wetlands as project amenities.	Continue to provide guidance on site design measures.	Encourage the use of site design measures in projects that are not C.3 Regulated Projects.	New Dev	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.3.a Performance Standards	7) For all new development and redevelopment projects not regulated by Provision C.3., encourage the inclusion of adequate source control measures to limit pollutant generation, discharge, and runoff, to the maximum extent practicable.	Update source control model list as needed.	Encourage the use of source control measures in projects that are not C.3 Regulated Projects.	New Dev	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.3.a Performance Standards	(8) Revise, as necessary, General Plans to integrate water quality and watershed protection with water supply, flood control, habitat protection, groundwater recharge, and other sustainable development principles and policies and to require implementation of the measures required by Provision C.3 for all Regulated Projects defined in Provision C.3.b.	Not Applicable	Review General Plans to identify any need for updates based on new requirements included in Provision C.3.	New Dev	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.3.b Regulated Projects	ii. (1) Special Land Use Categories: Beginning December 1, 2011, all references to 10,000 square feet for (a) New Development or redevelopment projects changes to 5,000 square feet.	Update C.3 Checklist	Use updated C.3 checklist to apply C.3 requirements to projects that meet Special Land Use Category criteria.	New Dev	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.3.b Regulated Projects	(4)(a) Road Projects: Construction of new streets or roads, including sidewalks and bicycle lanes built as part of the new streets or roads. (4)(d) Exclusions to road project requirements. (4)(e) If application is deemed complete on/before 12/1/09, new road/trail requirements do not apply so long as project applicant is diligently pursuing the project. If, from 12/1/09 to 12/1/11, project applicant has not acted to obtain approvals, requirements apply. (4)(f) If application is deemed complete after 12/1/09, new road/trail requirements do not apply if the project receives final discretionary approval by 12/1/11.(4)(g) If funding has been committed and public road/trail construction is scheduled to begin by 12/1/12, the new requirements shall not apply.	Hold discussions of road project requirements in Subcommittee meetings as needed.	Apply C.3 requirements to road projects.	New Dev	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.3.b Regulated Projects	(4)(b) Widening of existing streets or roads with additional lanes of traffic. (4)(c) Construction of impervious trails greater than 10 ft wide or creekbank (within 50 ft of top of bank). (Effective 12/1/11)	Hold discussions of road widening project requirements in Subcommittee meetings as needed.	Apply C.3 requirements to road widening projects.	New Dev	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.3.b Regulated Projects	iii. Green Streets Pilot Projects: The Permittees shall cumulatively complete ten pilot green street projects that incorporate LID techniques for site design and treatment in accordance with Provision C.3.c and that provide stormwater treatment sized in accordance with Provision C.3.d. (A Regulated Project may not be counted as one of the 10 pilot green street projects. (Complete construction by 12/1/14)	Coordinate with BASMAA and applicable cities as needed.	Cities with pilot green street projects (or potential pilot green street projects) will need to complete a reporting form for the project.	New Dev	Complete relevant portion of Annual Report Form (if applicable)	--	--	--	--
C.3.b Regulated Projects	iii. (5) Green Streets Pilot Projects: The Permittees shall conduct appropriate monitoring of these projects to document the water quality benefits achieved.	Coordinate with BASMAA and applicable cities as needed.	Municipalities with green street projects will need to coordinate with BASMAA, as BASMAA prepares report to meet this requirement. (Final report submitted Sept. 15, 2013.)	New Dev	--	--	--	--	--

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MRP Compliance Quarterly Check-in for SMCWPPP Municipalities

MRP Provision	MRP Requirement	Countywide Program	Member Agencies	Lead Subcommittee	Quarterly Check-ins for Permit Compliance and Related Items				
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C.3.c Low Impact Development (LID)	i.(1) Source Control Requirements [minor differences between requirements in this provision and Countywide Program's Model Source Control List]. (Implementation Date: December 1, 2011)	Update source control model list as needed	Continue implementing source control measures on the Source Control Model List.	New Dev	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.3.c Low Impact Development (LID)	i.(2) Site Design and Stormwater Treatment Requirements (a) Require each Regulated Project to implement at least one of the following [site design] strategies onsite... i.(2) Site Design and Stormwater Treatment Requirements (b) Require each Regulated Project to treat 100% of the amount of runoff identified in Provision C.3.d for the Regulated Project's drainage area with LID treatment measures onsite or with LID treatment measures at a joint stormwater treatment facility.	Hold discussion of worksheets at subcommittee meetings or training sessions as needed.	Use feasibility worksheets to require applicants to evaluate feasibility of infiltration and rainwater harvesting/use before allowing the use of biotreatment.	New Dev	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.3.c Low Impact Development (LID)	i.(2) (b)(v) Permittees, collaboratively or individually, shall submit a report on their experience with determining infeasibility of harvesting and reuse, infiltration, or evapotranspiration at Regulated Project sites.	Coordinate with BASMAA and member agencies as needed.	Collect and track information on the results of feasibility analyses, which will be the basis of the regional report.	New Dev	--	--	--	--	--
C.3.c Low Impact Development (LID)	i.(2) (b)(vi) Permittees, working collaboratively or individually, shall submit for Water Board approval, a proposed set of model biotreatment soil media specifications and soil infiltration testing methods to verify a long-term infiltration rate of 5 to 10 inches/hour.	Provide information on soil specifications to soil providers.	Require projects with biotreatment measures to use the biotreatment soil specifications included in the November 28 amendment of the MRP.	New Dev	Ongoing	Ongoing	Ongoing	Program will update Soil Vendor List with new vendors.	Program will participate in BASMAA Soil Spec group
C.3.c Low Impact Development (LID)	i.(2) (b)(vii) Permittees shall submit for Water Board approval, proposed minimum specifications for green roofs.	Not applicable	Require projects with green roofs to use the green roof specifications included in the November 28 amendment of the MRP (included in Section 6.9 of the C.3 Technical Guidance).	New Dev	--	--	--	--	--
C.3.d Numeric Sizing Criteria for Storm-water Treatment Systems	i. Require that stormwater treatment systems constructed for Regulated Projects meet at least one of the following hydraulic sizing design criteria: (1) Volume Hydraulic Design Basis; (2) Flow Hydraulic Design Basis; and (3) Combination Flow and Volume Design Basis. iv. Limitations on Use of Infiltration Devices in Stormwater Treatment Systems [minor changes since previous permit]. Implement 12/1/09.	Update hydraulic sizing criteria section in C.3 Technical Guidance	Confirm that the design of treatment measures in project submittals meet the C.3.d criteria.	New Dev	Ongoing	C3 Technical Guidance Manual updated.	Ongoing	Ongoing	Ongoing
C.3.e Alternative Compliance with Provisions C.3.c	i.The Permittees may allow a Regulated Project to provide alternative compliance with Provision C.3.c in accordance with one of the two options listed below: Option 1: LID Treatment at an Offsite Location; and 2: Payment In-Lieu Fees	Seek grant funding to develop green street plan and GIS planning tool	Support the Countywide Program in its efforts to develop a green street plan for retrofit projects that can be used for alternative compliance.	New Dev	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.3.e Alternative Compliance with Provisions C.3.c	iv. (1) Beginning December 1, 2011, Permittees shall track any identified potential Special Projects that have submitted planning applications but that have not received final discretionary approval. (2) By March 15 and September 15 of each year, Permittees shall report to the Water Board on these tracked potential Special Projects ... Any Permittee with no potential Special Projects shall so state.	Remind Subcommittee of required March report on Special Projects.	Submit required information on Special Projects every March and September. If your agency has no Special Projects, you must inform the Water Board that you have no applicable projects.	New Dev	Submit required information on Special Projects by September 15, 2014 (with the Annual Report). If your agency has no Special Projects, you must inform the Water Board that you have no applicable projects.	--	Special Projects Reports Submitted on behalf of permittees on March 16, 2015.	--	Submit required information on Special Projects by September 15, 2015 (with the Annual Report). If your agency has no Special Projects, you must inform the Water Board that you have no applicable projects.
C.3.e Alternative Compliance with Provisions C.3.c	iv.(2) For each Special Project [reported], Permittees shall include a narrative discussion of the feasibility or infeasibility of 100% LID treatment, onsite and offsite.	Coordinate with BASMAA and Subcommittee to provide guidance on infeasibility reporting	Require applicants with Special Projects that will use LID treatment reduction credits to report a narrative discussion on why 100% LID treatment was infeasible for the project.	New Dev	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.3.f Alternative Certification of Stormwater Treatment Systems	In lieu of reviewing a Regulated Project's adherence to Provision C.3.d., a Permittee may elect to have a third party conduct detailed review and certify the Regulated Project's adherence to Provision C.3.d. [Minor change to requirements in previous permit.] No implementation date in permit. Assume 12/1/09 effective date.	Not applicable	Agencies that use Alternative Certification (3rd party review of stormwater treatment measure design) may continue to use these programs.	New Dev	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing

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C.3.g Hydromodification Management	All HM Projects shall meet the Hydromodification Management Standard of Provision C.3.g.ii. [HM exemptions from previous permit have been eliminated.]	Coordinate with Alameda and Santa Clara programs regarding training for municipal staff on how to review Bay Area Hydrology Model submittals.	Continue applying the HM requirements to project that meet the criteria for HM projects.	New Dev	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.3.h Operation and Maintenance of Storm-water Treatment Systems	ii. (4) O&M Program shall include a written plan and implementation of the plan that describes O&M (including inspection) of all Regional Projects and regional HM controls that are Permittee owned and/or operated.	Not applicable	Currently there are no regional projects to which this would apply.	New Dev	--	--	--	--	--
C.3.h Operation and Maintenance of Storm-water Treatment Systems	ii. (5) O&M Program shall include database or equivalent tabular format of all regulated projects (public and private) that have installed ... stormwater treatment and HM controls.	Not applicable	Track O&M inspection data as required, either in an Excel spreadsheet or relational database.	New Dev	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.3.h Operation and Maintenance of Storm-water Treatment Systems	ii.(6) O&M Program shall include a prioritized plan for inspecting all installed stormwater treatment systems and HM controls. [New requirements added since pervious permit.]	Not applicable	Keep your agency's O&M verification inspection plan up to date, as needed, and continue implementing the plan.	New Dev	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.3.i Detached Single-Family Home Projects	i. Require all detached single-family home projects that create and/or replace 2,500 square feet or more of impervious surface to implement one or more stormwater lot-scale BMPs. (Implement 12/1/12)	Coordinate with BASMAA to develop standard specifications. Provide training on C.3.i requirements	Implement the new requirements on December 1, 2012, using standard specifications that BASMAA is scheduled to complete in September 2012.	New Dev	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.4.a. Legal Authority	Permittees shall have sufficient legal enforcement authority to inspect, require effective stormwater pollutant control, and escalate enforcement to achieve expedient compliance at commercial and industrial sites within their jurisdiction.	NA	Update legal authority, as needed.	CII	--	--	--	--	--
C.4.b. Inspection Plan	Permittees shall develop and implement an inspection plan that will serve as a prioritized inspection work plan.	N/A	Each year submit required Business Inspection Plan (BIP) information with annual report.	CII	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.4.c. Enforcement Response Plan (ERP)	Permittees shall develop and implement an ERP that will serve as a reference document for inspection staff to take consistent actions to achieve timely and effective compliance from all commercial and industrial site operators.	N/A	Continue to implement the ERP.	CII	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.4.c.ii(4) Record-keeping and C.4.c.iii Reporting	Permittees shall maintain adequate records to demonstrate compliance including maintenance of an electronic database or equivalent tabular system that contains information listed in MRP. In addition, MRP lists specific inspection information for inclusion in the Annual Report.	N/A	Continue to implement the MRP-required recordkeeping.	CII	Applicable agencies should review CEH quarterly inspection report on flowstobay.org.	Applicable agencies should review CEH quarterly inspection report on flowstobay.org.	Applicable agencies should review CEH quarterly inspection report on flowstobay.org.	Applicable agencies should review CEH quarterly inspection report on flowstobay.org.	Applicable agencies should review CEH quarterly inspection report on flowstobay.org.
C.4.d Staff Training	Permittees shall provide annually inspectors with focused training. Training may be Program-wide, Region-wide, or Permittee-specific.	Implement agreed upon training using one of the options allowed by the MRP.	Continue to conduct annual inspector training.	CII	Train staff using Program materials.	Train staff using Program materials.	Train staff using Program materials.	Train staff using Program materials.	Train staff using Program materials.
C.5.a. Legal Authority	Permittees shall have the legal authority to prohibit and control illicit discharges and escalate stricter enforcement to achieve expedient compliance.	N/A	Update legal authority, as needed	CII	--	--	--	--	--
C.5.b. Enforcement Response Plan (ERP)	Permittees shall develop and implement an ERP that will serve as guidance for inspection staff to take consistent actions to achieve timely and effective abatement of illicit discharges.	N/A	Continue to implement the ERP.	CII	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing

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C.5.c. Spill & Dumping Response, Complaint Response, & Inspection Frequency	Permittees shall have a central contact point including a phone number for complaints and spill reporting, and publicize this number to both internal Permittee staff and the public.	N/A	Continue to maintain a central contact point including phone number for complaints and spill reporting. Continue to publicize this number to Permittee staff and the public.	CII	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.5.c. Spill & Dumping Response, Complaint Response, & Inspection Frequency	Develop a spill/dumping response flow chart and phone tree or contact list for internal use that shows the various responsible agencies and their contacts, including who would be involved in illicit discharge incident response that goes beyond the Permittees immediate capabilities.	N/A	Municipalities that have not already done so, will adapt the template or example for their use.	CII	--	--	--	--	--
C.5.d.ii(1)(a) Control of Mobile Sources	Develop and implement minimum standards and BMPs to be required for each of the various types of mobile businesses.	N/A	Continue to implement the minimum agreed to standards and BMPs.	CII	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.5.d.ii(1)(b) Control of Mobile Sources	Develop and implement an enforcement strategy that specifically addresses the unique characteristics of mobile businesses.	N/A	Continue to implement enforcement strategy.	CII	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.5.e. Collection System Screening - MS4 Map Availability	Permittees shall develop and implement a screening program using guidance referenced in the MRP. Permittees shall implement screening program by conducting a survey of strategic collection system check points.	N/A	Continue to implement a screening program by surveying strategic collection system check points.	CII	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.5.f. Tracking and Case Follow-up	Create and maintain a water quality spill and discharge complaint tracking and follow-up in an electronic database or equivalent tabular system.	N/A	Continue to implement the agreed upon tracking spreadsheet.	CII	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.6.b. Enforcement Response Plan (ERP)	Develop and implement an Enforcement Response Plan (ERP) that ensures effective site management by operators.	N/A	Continue to use your agency's ERP.	New Dev	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.6.c. Best Management Practice Categories	Require all construction sites to have seasonally appropriate effective BMPs in 6 categories: erosion control, run-on and runoff control, sediment control, active treatment systems (as necessary), good site management, and non-stormwater management.	Update the checklist as needed.	Continue to use the construction site inspection checklist to conduct the required inspections.	New Dev	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.6.c. Best Management Practice Categories	Require all construction sites to have seasonally appropriate effective BMPs in 6 categories: erosion control, run-on and runoff control, sediment control, active treatment systems (as necessary), good site management, and non-stormwater management.	N/A	Distribute the BMP plan sheet to project applicants.	New Dev	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.6.d. Plan Approval Process	Review erosion control plans for consistency with local minimum required management practices. [No implementation date in permit. Assume 12/1/09 effective date.]	N/A	Continue to review erosion control plans for consistency with local requirements.	New Dev	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.6.e. Inspections	ii. (1) By September 1 of each year, each permittee shall remind all sites disturbing 1 acre or more of soil to prepare for wet season.	Provide model letter/email to agencies.	Adapt model letter for local use and send to developers/owners of sites disturbing 1 acre or more of land.	New Dev	Municipalities should send pre-wet season notifications to any active construction sites before September 1.	--	--	--	Municipalities should send pre-wet season notifications to any active construction sites before September 1.
C.6.e. Inspections	(2) Inspect all sites disturbing 1 acre or more of land and high priority sites monthly during wet season. (3) Inspections shall focus on adequacy and effectiveness of BMPs and shall include assessment of compliance with Permittee's ordinances and permit, assessment of adequacy of BMPs (six categories), visual observation, and education on stormwater pollution prevention as needed. (4) Tracking. Develop construction site inspection database or equivalent tabular format.	N/A	Continue to use tracking spreadsheet.	New Dev	--	Ongoing	Ongoing	Ongoing	Ongoing

Note: this document should not be substituted for MRP

MRP Compliance Quarterly Check-in for SMCWPPP Municipalities

MRP Provision	MRP Requirement	Countywide Program	Member Agencies	Lead Subcommittee	Quarterly Check-ins for Permit Compliance and Related Items				
					2014		2015		
					Jul - Sep	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sep
C.6.f. Staff Training	Provide training or access to training for staff conducting construction stormwater inspections.	Provide training workshop for construction site inspectors on new MRP requirements.	Send staff to training.	New Dev	--	--	--	Construction Site Inspection Workshop on May 5th.	--
C.7.a. Storm Drain Inlet Marking	Permittees shall mark and maintain at least 80% of municipally-maintained storm drain inlets with an appropriate stormwater pollution prevention message. At least 80% of municipally-maintained storm drain inlets must be inspected and maintained at least once per five-year permit term.	N/A	Continue to make sure that at least 80% of municipally-maintained inlets with a no dumping message or equivalent. Inspect and maintain at least 80% of municipally-maintained inlets to ensure that they are legibly labeled once per permit term. Keep track of annual percentages of municipally-maintained inlet markings inspected and maintained as legible, and report prior years' annual percentages in the 2013 Annual Report.	MM	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.7.a.i Storm Drain Inlet Marking	For newly approved, privately-maintained streets, permittees must require inlet marking and maintenance, and verify marking prior to accepting the project.	NA	Continue to require builders to mark inlets on newly approved, privately-maintained streets. Require maintenance of markings by entity responsible for maintaining streets. Verify that newly developed streets are marked prior to acceptance of the project. Keep track of annual number of projects accepted after inlet markings were verified, and report prior years' annual number of projects in the 2013 Annual Report.	New Dev	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.7.d. Stormwater Point of Contact	Permittees shall individually or collectively create and maintain a point of contact to provide the public with information on watershed characteristics and stormwater pollution prevention alternatives.	N/A	Continue to identify a central contact point including phone number for information on stormwater issues. Continue to publicize this number to Permittee staff and the public.	PIP & CII	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.7.e.i, ii Public Outreach Events	Participate in and/or host events such as fairs, shows, workshops, to reach a broad spectrum of the community with stormwater runoff pollution prevention messages, including messages that encourage residents to (1) wash cars at commercial car washing facilities (2) use minimal detergent when washing cars, and (3) divert car washing runoff to landscaped area.	Continue implementation of the OWOW Campaign, which includes tabling events. Continue Program involvement in Home and Garden Shows. Develop and distribute car wash information to agencies.	Continue to provide stormwater runoff pollution prevention messages annually at local events according to population: <10K = 2 events 10,001 - 40K = 3 events 40,001 - 100K = 4 events 100,001 - 175K = 5 events 175,001 - 250K = 6 events >250K = 8 events Help develop and distribute car wash information.	PIP	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.7.e.iii. Public Outreach Events	In each Annual Report, each Permittee shall list the events (name, location and date) participated in and assess the effectiveness of efforts with appropriate measures (e.g., success at reaching a broad spectrum of the community, number of participants compared to previous years, post-event survey results, quantity/volume of materials cleaned up and comparisons to previous efforts).	Report on and provide effectiveness assessments of OWOW tabling events, event partnerships, Alameda County Fair and other countywide events.	Report on and assess the effectiveness of local events.	PIP	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.7.f. Watershed Stewardship Collaborative Efforts	Permittees shall individually or collectively encourage and support watershed stewardship collaborative efforts or community groups and other organizations that benefit the health of the watershed. Report on level of involvement and provide an assessment of effectiveness in each Annual Report.	Report on level of involvement and provide effectiveness assessments.	Continue to fund local "friends of creek" groups if possible. Describe involvement and effectiveness in Annual Reports.	PIP, WAM	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing

MRP Provision	MRP Requirement	Countywide Program	Member Agencies	Lead Subcommittee	Quarterly Check-ins for Permit Compliance and Related Items				
					2014		2015		
					Jul - Sep	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sep
C.7.g. Citizen Involvement Events	Permittees shall individually or collectively support citizen involvement events which provide the opportunity for citizens to directly participate in water quality and aquatic habitat improvement, such as creek/bay cleanups, volunteer monitoring, storm drain inlet marking, community grants, etc.	Report on citizen involvement events funded & assess effectiveness.	Continue to sponsor and/or host citizen involvement events annually according to population: <10K = 1 event 10,001 - 40K = 1 event 40,001 - 100K = 2 events 100,001 - 175K = 3 events 175,001 - 250K = 4 events >250K = 5 events. Report on citizen involvement events and provide effectiveness assessments of those events.	PIP	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.7.h. School-Age Children Outreach	Permittees shall individually or collectively implement outreach activities designed to increase awareness or stormwater and/or watershed message(s) in school-age children (K through 12).	Report on and provide effectiveness assessments of the educational services programs funded.	Continue conducting school outreach activities. Report on and provide effectiveness assessments of those outreach activities.	PIP	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.7.i. Outreach to Municipal Officials	Permittees shall conduct outreach to municipal officials such as through the use of the Nonpoint Education for Municipal Officials program (NEMO) to significantly increase overall awareness of stormwater and/or watershed message(s) among regional municipal officials at least once per permit cycle.	N/A	Continue to provide stormwater and/or watershed educational information to municipal officials at least once per permit cycle. Report outreach conducted in 2013 Annual Report.	PIP	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.9.a IPM Policy	Adopt and IPM policy or ordinance. Include in Annual Report	NA	Be able to confirm policy/ordinance is in place or adopt. Submit in annual report	Parks Maint. & IPM	--	--	--	--	--
C.9.b.i IPM Policy	Implement IPM policy or ordinance: The Permittees shall establish written procedures.	NA	Continue to implement establish written standard operating procedures (SOPs).	Parks Maint. & IPM	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.9.b.ii Pesticides	Permittees shall retain records of IPM SOPs.	NA	Continue to maintain records	Parks Maint. & IPM	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.9.bii Pesticides	Report on implementation of IPM policy.	NA	Report in each Annual Report	Parks Maint. & IPM	Report in Annual Reports due September 15.	--	--	--	Report in Annual Reports due September 15.
C.9.c.i Pesticides	Permittees shall ensure municipal employees are trained in IPM.	NA	Continue to encourage employees to attend IPM training	Parks Maint. & IPM	Ongoing	Ongoing	Program: Provide landscape IPM training on March 11. Agencies: Have staff attend.	Ongoing	Ongoing
C.9.c.ii Pesticides	Report on IPM training	NA	Continue to report on percentage of employees trained and training materials.	Parks Maint. & IPM	Report in Annual Reports due September 15.	--	--	--	Report in Annual Reports due September 15.
C.9.d.i Contractor IPM	Require contractors to implement IPM	NA	Continue to hire certified contractors	Parks Maint. & IPM	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.9.d.ii Pesticides	Document contractor compliance	NA	Continue to document in AR	Parks Maint. & IPM	Report in Annual Reports due September 15.	--	--	--	Report in Annual Reports due September 15.
C.9.f.i Pesticides	Interface with Co. Ag. Commissioners	Maintain regular contact	Continue to inform Co. Ag. of any pesticide violations	Parks Maint. & IPM	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.9.f.ii Pesticides	Interface with Co. Ag. Commissioners	Include question in reporting template	Continue to submit summary of any improper pesticide usage reported to Co. Ag.	Parks Maint. & IPM	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.10.a.ii. Trash: Short term reductions	Submit baseline estimate of trash loading rate from each population based permittee.	N/A	Complete and submit Plan using template	Trash	--	--	--	--	--

MRP Provision	MRP Requirement	Countywide Program	Member Agencies	Lead Subcommittee	Quarterly Check-ins for Permit Compliance and Related Items				
					2014		2015		
					Jul - Sep	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sep
C.10.a.ii. Trash: Short term reductions	Propose exclusion areas	N/A	Optional: Propose areas for exclusion	Trash	--	--	--	--	--
C.10.a.ii. Trash: Short term reductions	Propose exclusion areas	N/A	Permittee shall collect and submit an additional year of documentation to support exclusion. Required only if Permittee proposed exclusion areas that are commercial, industrial, or high-density residential.	Trash	--	--	--	--	--
C.10.a.ii. Trash: Short term reductions	Progress Report	N/A	Each Permittee shall submit a progress report indicating individual or collective determination of baseline trash.	Trash	--	--	--	--	--
C.10.a.iii.	Full Capture Installation	N/A	Install all required full capture devices.	Trash	--	--	--	--	--
C.10.b.i. Trash Hot Spots	Hot Spot Cleanup and Assessment: This task included both cleanup (C.10.b.i) and Assessment (C.10.b.iii).	N/A	Complete annual cleanup and assessment of hotspots	Trash	Submit draft results to EOA. Submit final results in Annual Report.	Ongoing	Ongoing	Ongoing	Submit draft results to EOA. Submit final results in Annual Report.
C.10.c. Trash: Long Term Load Reduction	Long Term Trash Load Reduction	N/A	Develop and submit Long Term Trash Load Reduction Plan	Trash	--	--	--	--	--
C.10.d. Trash Reporting	Reporting on Trash Load Reduction	N/A	Provide summary of trash load reduction actions in each AR	Trash	Report on progress towards 40% reduction goal in Annual Report.	--	--	--	Report on load reduced in Annual Report.
C.11.a Mercury	Mercury Collection and Recycling	Provide guidance on estimating mass of mercury collected	Report on efforts to promote, facilitate and/or participate in collection and recycling and provide annual estimate of mass of mercury collected	WAM	Addressed by SMCWPPP in Annual Report.	Addressed by SMCWPPP in Annual Report.	Addressed by SMCWPPP in Annual Report.	Addressed by SMCWPPP in Annual Report.	Addressed by SMCWPPP in Annual Report.
C.12.a.ii PCBs	Incorporate PCBs and PCB-containing equipment in industrial inspections	Provide reminders/guidance at subcommittee meetings	Document incidents where PCBs or PCB-containing equipment is identified and refer to appropriate agencies	CII	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.13.a Manage waste generated from cleaning and treating of copper architectural features	ii. (1) The Permittees shall develop BMPs on how to manage the waste during and post-construction. (2) The Permittees shall require use of appropriate BMPs when issuing building permits. (3) The Permittees shall educate installers and operators on appropriate BMPs. (4) The Permittees shall enforce against noncompliance. Report on implementation in 2012 Annual Report.	Prepare flyer on BMPs for installation and maintenance of architectural copper	Require the use of appropriate BMPs when issuing building permits, provide information on the BMPs to installers and operators, and enforce against noncompliance.	New Dev	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.13.a.i Copper	Architectural Copper - legal authority to prohibit discharge of wastewater to storm drains from related activities	N/A	If your agency did not certify legal adequacy in September 2011, address this in 2012 Annual Report	New Dev	--	--	--	--	--
C.13.a.ii(2) Copper	Architectural Copper - require use of appropriate BMPs	Coordinate with BASMAA to include question in 2012 Annual Report form	Report on incorporation in building permit process	New Dev	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.13.a Manage waste generated from cleaning and treating of copper architectural features	iii. In their 2013 Annual Report, the Permittees shall evaluate the effectiveness of these measures, including BMP implementation and propose any additional measures to address this source.	Update deliverable forms for 2012/13 to assist with new reporting requirement.	Report on BMP effectiveness (annual reports submitted September 15, 2013.)	New Dev	--	--	--	--	--

MRP Provision	MRP Requirement	Countywide Program	Member Agencies	Lead Subcommittee	Quarterly Check-ins for Permit Compliance and Related Items				
					2014		2015		
					Jul - Sep	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sep
C.13.a.ii(3) Copper	Architectural Copper - educate installers and operators	Present the new BMPs in construction workshop	Report on education, municipal staff participation in trainings	New Dev	--	Program: compiled a list of Architectural Copper Vendors in the county for outreach efforts.	Emailed and Mailed Copper BMP information to a list of over 40 Architectural Copper Vendors operating in San Mateo County.	--	--
C.13.a.ii(3) Copper	Architectural Copper - enforcement	N/A	Implement enforcement procedures against noncompliance, report on efforts	New Dev	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.13.a.iii(3) Copper	Architectural Copper - evaluate effectiveness	Evaluate implementation and propose any additional measures	Provide input/feedback	New Dev	--	--	--	--	--
C.13.b.ii Copper	Pools, Spas, Fountains - require sanitary sewer connection or diversion to landscape	N/A	Incorporate in building permit process as appropriate	New Dev	--	--	--	--	--
C.13.b.iii Copper	Pools, Spas, Fountains - legal authority to prohibit discharge of copper-containing chemicals	N/A	Certify adequate legal authority, or provide justification & schedule for up to 1 additional year to comply	New Dev	--	--	--	--	--
C.13.d.ii(1) Copper	Industrial Sources - inspection program plan	Provide guidance on facility types	Include facilities likely to use copper or have copper sources	CII	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.13.d.ii(2,3) Copper	Industrial Sources - inspectors	Provide training and/or materials	Continue to educate inspectors, ensure appropriate BMPs	CII	Train staff using Program materials.	Train staff using Program materials.	Train staff using Program materials.	Train staff using Program materials.	Train staff using Program materials.
C.13.d.iii Copper	Industrial Sources - Reporting	N/A	Highlight copper reduction results from C.4 section of Annual Report in C.13 section	CII	Submit results in Annual Report	--	--	--	Submit results in Annual Report
C.15.a. Exempted Non-Stormwater Discharges	In carrying out Discharge Prohibition A.1, certain unpolluted discharges listed in the permit are exempted from the prohibition against non-stormwater discharges.	N/A	Permittees need to determine whether listed discharges should be handled as exempted or conditionally exempted with approval of Water Board.	CII	--	--	--	--	--
C.15.b Conditionally Exempted Non-Stormwater Discharges	v.(1) The Permittees shall require that new or rebuilt swimming pools, hot tubs, spas and fountains within their jurisdictions have a connection to the sanitary sewer to facilitate draining events. The Permittees shall coordinate with local sanitary sewer agencies to determine the standards and requirements necessary for the installation of a sanitary sewer discharge location to allow draining events to occur with the proper permits from the local sanitary sewer agency. [No implementation date in permit. Assume this is timed to coincide with new 5/1/2010 Source Control Requirements in Task.C.3-12]	Through the New Development Subcommittee, advise agencies of the need to coordinate with local sanitary sewer authority.	Coordinate with local sanitary sewer agencies to determine standards and requirement that may need to be included in the agency's Source Control Measures List.	New Dev	--	--	--	--	--
C.15.b.i(1) Conditionally Exempted Non-Stormwater Discharges	<u>Pumped Groundwater from Non Drinking Water Aquifers</u> - Groundwater pumped from monitoring wells, used for groundwater basin management, which are owned and/or operated by the Permittees who pump groundwater as drinking water.	N/A	Permittees who have these types of discharges need to continue complying with the monitoring, BMPs, and reporting requirements listed in this section of the MRP.	CII	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.15.b.i(2) Conditionally Exempted Non-Stormwater Discharges	<u>Pumped Groundwater, Foundation Drains, and Water from Crawl Space Pumps and Footing Drains</u> that are new discharges need to meet requirements listed in this portion of the MRP. This includes reporting to Water Board new, potentially contaminated groundwater with flows of 10,000 gpd or more. The MRP specifies certain monitoring requirements and use of specified BMPs.	N/A	Permittees who have these types of discharges need to continue complying with the monitoring, BMPs, and reporting requirements listed in this section of the MRP.	CII	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing

MRP Provision	MRP Requirement	Countywide Program	Member Agencies	Lead Subcommittee	Quarterly Check-ins for Permit Compliance and Related Items				
					2014		2015		
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C.15.b.iii Conditionally Exempted Non-Stormwater Discharges	<u>Planned, Unplanned, and Emergency Discharges of the Potable Water System</u> - The MRP lists prescriptive requirements for use of BMPs, notifications, monitoring, and reporting	N/A	Permittees who have these types of discharges need to continue complying with the monitoring, BMPs, and reporting requirements listed in this section of the MRP.	CII	Collect required discharge monitoring data for each planned potable water discharge. Review the collected data. If benchmark values are exceeded determine if the values are valid and/or if further staff training is required.	Collect required discharge monitoring data for each planned potable water discharge. Review the collected data. If benchmark values are exceeded determine if the values are valid and/or if further staff training is required.	Collect required discharge monitoring data for each planned potable water discharge. Review the collected data. If benchmark values are exceeded determine if the values are valid and/or if further staff training is required. Program: Provide guidance on completing a NOI or NONA for the State General Drinking Water System Permit by September 2015.	Collect required discharge monitoring data for each planned potable water discharge. Review the collected data. If benchmark values are exceeded determine if the values are valid and/or if further staff training is required. Program: Provide guidance on completing a NOI or NONA for the State General Drinking Water System Permit by September 2015.	Collect required discharge monitoring data for each planned potable water discharge. Review the collected data. If benchmark values are exceeded determine if the values are valid and/or if further staff training is required. Program: Provided guidance on completing a NONA for the State General Drinking Water System Permit by September 1, 2015 and a NOI when MRP 2.0 is adopted.
C.15.b.v Conditionally Exempted Non-Stormwater Discharges	<u>Swimming Pool, Hot Tub, Spa, and Fountain Water Discharges</u> - Prohibit the discharge of water that contains chlorine residual, copper algaecide, filter backwash or other pollutants. Direct water to sanitary sewer or landscaped areas that can accommodate the volume. Discharges to storm drains only if discharge is properly dechlorinated and there are not other feasible disposal alternatives.	N/A	Permittees who have these types of discharges need to continue requiring that new or rebuilt pools, etc. connect to the sanitary sewer. Continue to improve public outreach and educational efforts regarding the required BMPs, and implement ERPs for polluted discharges.	CII	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.15.b.vi Conditionally Exempted Non-Stormwater Discharges	<u>Irrigation Water, Landscape Irrigation, and Lawn or Garden Watering</u> - promote measures that minimize runoff and pollutant loading from excess irrigation including working with potable water purveyors.	N/A	Permittees will need to continue promoting water conservation, less toxic methods of pest controls, use of drought tolerant vegetation, and appropriate application of water for irrigation as specified in the MRP.	CII, Parks Maint. & IPM	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.15.b.vii Conditionally Exempted Non-Stormwater Discharges	<u>Additional Discharge Types</u> - Permittees shall identify and describe additional types and categories of discharges not yet listed in Provision C.15.b that they propose to conditionally exempt from Prohibition A.1 in periodic submissions to the Executive Officer.	Identify priority types of additional discharges to request	Assist with identifying and reviewing list of additional priority discharge types.	CII	Ongoing	Ongoing	Ongoing	Ongoing	Ongoing
C.16.a Annual Reports	Submit Annual Reports	Submit Annual Report on General Program Activities	Submit Annual Report on previous fiscal year activities	TAC	Submit draft agency Annual Reports to EOA for review. Agency and SMCWPPP Annual Reports to be submitted to Regional Water Board by September 15.	--	--	--	Agency and SMCWPPP Annual Reports to be submitted to Regional Water Board by September 15.

C/CAG AGENDA REPORT

Date: July 21, 2015
Item: 4D
From: Matthew Fabry, Program Coordinator
Subject: State/Regional Stormwater Issues & Regulations Update

(For further information or questions contact Matthew Fabry at 650 599-1419)

RECOMMENDATION

Staff will provide an update on state and regional stormwater-related issues and regulations.

ATTACHMENTS

1. State & Regional Stormwater Issues and Regulatory Tracking Table

Status of California Stormwater Quality Related Policies and Permits (Active)

July 2015

Policy/Permit/Objective	Lead Regulatory Agency	Status of Regulatory Action	Comments Due	Status of Comments
NPDES Permits				
Municipal Regional Stormwater Permit (MRP 2.0)	RWQCB	An Administrative Draft (AD) of MRP 2.0 was released to stakeholders on 2/3/15. Informal comments from Phase I Permittees were submitted 3/27/15. Water Board staff did not prepare a formal response to comments, but they did provide feedback at the 4/2/15 MRP 2.0 Steering Committee meeting. The Tentative Order (TO) was released for public comment on 5/11/15. Program staff and Permittees gave oral testimony at two public workshop hearings on 6/10/15 and 7/8/15. SMCWPPP, BASMAA and others submitted written comments on 7/10/15. It is anticipated that the TO will be considered for adoption in October 2015.	7/10/2015	The Phase I programs submitted early input on all provisions of the AD and worked closely with RWQCB staff in an attempt to develop mutually acceptable concepts on key permit provisions (C.3-GI, C.10-Trash, C.11/12-Hg/PCBs TMDLs). SMCWPPP also submitted input on C.2.b (surface cleaning BMPs), and C.15 (potable water options). Program staff and Permittees reiterated primary concerns with C.3, C.10, and C.11/12 at the public hearings on 6/10/15 and 7/8/15. SMCWPPP, BASMAA and others submitted more detailed written comments on all provisions on 7/10/15. The County and Pacifica also provided comments on Provision C.14 which incorporates the Pacifica Beach/San Pedro Creek bacteria TMDL. Water Board staff must respond to all written comments received during the public comment period on the Tentative Order. Program staff is continuing to work closely with RWQCB staff in an attempt to develop more acceptable approaches to C.3, C.10, and C.11/12.
Potable Water Discharge Permit	SWRCB	The SWRCB adopted a new Statewide General NPDES Permit for Drinking Water System Discharges to Waters of the US on Nov. 18, 2014, with an effective date of Feb. 26, 2015. Permittees are required to implement BMPs and comply with a Numeric Effluent Limit (NEL) for residual chlorine (0.10 mg/L). An Implementation Workshop was held in the Bay Area on 5/6/15. There is an exemption in the General Permit for water purveyors that are a MS4 permittee named in a MS4 permit that regulates discharges from drinking water systems. However, unlike MRP 1.0, the Tentative Order for MRP 2.0 does not include provisions for planned and unplanned potable water discharges.	NA	The final statewide permit addressed some, but not all, of SMCWPPP's comments on the 7/3/14 draft permit. The NEL for turbidity was eliminated. However, no language clarifying that MS4 permits should provide an equivalent level of protection was added. The Program will provide guidance related to submitting either a Notice of Intent (NOI) or Notice of Non-Applicability (NONA) by September 1, 2015, and continue developing/negotiating associated MRP 2.0 requirements, if any (as noted above, options were submitted to Water Board staff as part of early input on the AD but not addressed in the TO).

Status of California Stormwater Quality Related Policies and Permits (Active)

July 2015

Policy/Permit/Objective	Lead Regulatory Agency	Status of Regulatory Action	Comments Due	Status of Comments
NPDES Fees	SWRCB	The SWRCB has improved the annual stakeholder process by posting an online survey for stakeholders. As of the State Water Board Water Quality Fee Stakeholder Group meeting on 2/13/15, the cost drivers for stormwater permit fees for next year are down by 3.8%. Based on the Governor's May revise budget, SWRCB staff circulated the latest projections for FY 15-16 permit fees. The projections still show the state's stormwater program receiving more revenue than it plans to spend by about 3%. The next stakeholder meeting is scheduled for 8/7/15. If revenues continue to be projected to exceed expenses, SWRCB staff noted one option could be to discount FY 15-16 permit fees as the Board did for FY 14-15 fees.	TBD	The BASMAA/CASQA Executive Director participates in State Water Board Water Quality Fee Stakeholder Group. Program staff will continue to track any movement on this issue into the future and encourage the SWRCB to tie permit fees to the benefits received by that Permittee.
Construction General Permit Reissuance	SWRCB	SWRCB staff is planning a "tune up" effort to fix significant problems or issues in the current permit. Release of draft permit has been delayed until 2016. The State Board has restarted the stakeholder process and small groups have been formed to discuss various CGP provisions.	TBD	The CASQA Construction Subcommittee is tracking and providing input. Program staff will track via Subcommittee participation.
Statewide Policies/Objectives				
Statewide REC-1 Bacteria Objectives	SWRCB	The SWRCB is proposing amendments to the Water Quality Control Plans for Inland Surface Waters, Enclosed Bays and Estuaries and the Ocean Waters of CA to include updated water quality objectives for bacteria to protect REC-1 beneficial uses. The proposed amendments may include a revised indicator organism (<i>E. coli</i> or enterococci) based on 2012 EPA ambient recreational criteria and designation of a new limited water contact recreation (LREC-1) use. An issue paper was released describing the process and results of spring 2014 focus group meetings. A scoping document was released in January 2015 and public scoping meetings were held on 1/28/15 and 2/10/15. A draft staff report for public comment is anticipated in summer 2015 with adoption in spring 2016.	TBD	CASQA and Program staff will track development of the new bacteria objectives and amendments and prepare comments as needed. CASQA submitted a comment letter on the scoping document on February 20, 2015.
Declaration of Drought Emergency	SWRCB	The Governor declared a drought emergency on 1/17/14, redoubled state actions on 4/25/14, and required statewide mandatory reductions of 25% on 4/1/15 (for the first time ever in CA history). Urban water suppliers must reduce wasteful water practices and limit outdoor irrigation. Fish habitat releases from reservoirs to some streams have been temporarily stopped. The SWRCB will decide other required actions.	NA	The implications of the declaration for MS4s will be tracked by CASQA. One implication has been decreased grant funding for stormwater projects, such as green infrastructure projects, that do not directly increase water supply.

Status of California Stormwater Quality Related Policies and Permits (Active)

July 2015

Policy/Permit/Objective	Lead Regulatory Agency	Status of Regulatory Action	Comments Due	Status of Comments
Stormwater Strategic Initiative	SWRCB	In July 2015, SWRCB released a draft Proposal (the result of a collaborative effort) outlining steps for developing a Storm Water Program Workplan and Implementation Strategy to guide stormwater permitting for the next 10 years. The goal is to expand state stormwater programs to more effectively integrate stormwater use, source control, and alternative compliance in permitting (and future MS4 permits). The draft Proposal includes Guiding Principles (e.g., water as resource, efficiency) and methodology to prioritize stormwater issues and projects. It also includes a list of the top priority projects ("Immediate Action Projects") for the next phase. A stakeholder meeting was held via WebEx on 7/7/15 and comments are due 7/24/15.	7/24/15	Program staff attended the MS4 stakeholder meeting held in the Bay Area (Oakland) on 7/31/14. CASQA has also completed its own Strategic Vision to help shape future California stormwater policies and regulations. CASQA is preparing comments on the draft Proposal. Program staff is reviewing the Proposal and the CASQA comments to determine whether Program comments are needed.
Statewide Mercury Policy and Statewide Program for Controlling Mercury in Reservoirs	SWRCB	Following CEQA Scoping in 2012, SWRCB staff are working on the technical analysis for the mercury policy (conceptual model, source analysis, linkage between sources and fish tissue concentrations, and implementation ideas) and drafting a regulatory program. On 4/23/13, RWQCB and SWRCB staff updated SWRCB members on several mercury programs, including the development of a Statewide Mercury Control Program for Reservoirs and the Mercury Objectives Project. The update served as an information item and no action was taken by the SWRCB at the meeting. Subsequent presentations were made to EPA 9/26/13 and NALMS 11/1/13 and a Fact Sheet describing the conceptual model was posted in September 2013. Peer review of the Statewide Mercury Program occurred via a series of stakeholder meetings Feb 2014 - Oct 2014 and conference presentations. The Reservoir Focus Group will develop criteria for pilot projects. The public comment period will be summer 2015 with adoption in 2016.	TBD	Based on review of CEQA scoping issues, Program staff decided comments were not needed at this point in the process. Staff will continue to track the development of the Policy.

Status of California Stormwater Quality Related Policies and Permits (Active)

July 2015

Policy/Permit/Objective	Lead Regulatory Agency	Status of Regulatory Action	Comments Due	Status of Comments
Receiving Water Limitation (RWL) Provision for Stormwater NPDES Permits	SWRCB & RWQCB	CASQA is working with the SWRCB staff to address the uncertainties created by a July 2011 Ninth Circuit Court of Appeals decision regarding the iterative process municipal stormwater NPDES permittees are required to follow for exceedances of water quality standards caused or contributed by MS4 discharges, by amending the receiving water limitations (RWL) provisions in future permits. CASQA provided ideas for how to improve the iterative process (and provided model language) so that it is more formal, specific and ensures more accountability. The SWRCB is addressing the RWL provision as part of its response to petitions filed on the recently adopted LA stormwater permit. The 11/21/14 draft order clarifies that the "iterative approach" does not provide "safe harbor" from RWLs; Water Boards have discretion regarding compliance with WQ standards. In LA, Watershed Management Programs (WMPs) or enhanced WMPs (EWMPs) specifying BMPs and schedules provide an alternative path to compliance with RWLs. A revised order was adopted on 6/16/15 clarifying that permittees are in compliance with RWLs only for water body-pollutant combinations addressed in the WMP/EWMPs (including those of lower priority). A similar approach is anticipated for other Phase I permits.	NA	The CASQA Policy and Permitting Subcommittee is continuing to track the LA MS4 permit petition process. Program staff participates in the Subcommittee and coordinates with other local stormwater programs on this key issue. This issue is a key item that will need to be scheduled for discussion with the Water Board staff through the MRP 2.0 Steering Committee.
Policy for Toxicity Assessment and Control	SWRCB	The Public Review Draft Policy for Whole Effluent Toxicity Assessment and Control and Staff Report was released by the SWRCB on 6/27/12 with public comments due by 8/21/12. A public hearing was held on 8/21/12. SWRCB legal staff is requiring the Policy to be repackaged as amendments to the Inland Surface Waters, Enclosed Bays, and Estuaries Plan. Revised documents and adoption are anticipated in 2015. As currently written, the amendments pertain mostly to POTW discharges. The main requirement for stormwater dischargers is to use a specific statistical analysis approach when their permits require toxicity testing. This approach is included in the MRP 2.0 Tentative Order.	NA	CASQA submitted comments on the Public Review Draft Policy on 8/21/12. The CASQA Science and Monitoring Subcommittee has been closely following the process for developing the Toxicity Amendments.

Status of California Stormwater Quality Related Policies and Permits (Active)

July 2015

Policy/Permit/Objective	Lead Regulatory Agency	Status of Regulatory Action	Comments Due	Status of Comments
Wetland and Riparian Area Protection Policy	SWRCB	On 1/28/13, SWRCB released a Revised Preliminary Draft Wetland Area Protection Policy for informational purposes. The goal of the policy is to protect all waters of the State from dredge and fill. The Draft Policy with an environmental review document (EIR) was scheduled to be released late in 2014 for public comment followed by an SWRCB adoption hearing but has been delayed.	NA	Program staff reviewed the Notice of Preparation of the EIR and determined that a comment letter was not needed yet. BASMAA came to the same conclusion based on an analysis developed by Gary Grimm (ACCWP Attorney). Program staff will continue to track the development of this Policy.
Trash Policy (now called Trash Amendments to the State Water Quality Control Plans)	SWRCB	On 4/7/15, SWRCB adopted amendments to the California Ocean Plan, Inland Surface Waters Plan, and the Estuary and Enclosed Bays Plan to address all water bodies listed as impaired due to trash. The amendments will take effect following approval by the OAL and EPA (anticipated Fall 2015). The Trash Amendments establish narrative WQOs, prohibit discharge, and require BMPs and/or monitoring on a specified time schedule. This framework would be incorporated into NPDES permits and do not conflict with MRP 1.0 or the Tentative Order MRP 2.0. There are two tracks to compliance: 1) installation of trash capture devices in priority land uses or 2) demonstration of performance for alternative controls.	NA	CASQA/BASMAA Executive Director participated in the Public Advisory Group during development of the Amendments. Program staff worked with CASQA to develop written and oral comments. Program staff and CASQA will continue to track approval and implementation of the Trash Amendments.

Status of California Stormwater Quality Related Policies and Permits (Active)

July 2015

Policy/Permit/Objective	Lead Regulatory Agency	Status of Regulatory Action	Comments Due	Status of Comments
Biological Objectives for Wadable Perennial Streams (now called Biological Integrity Assessment Implementation Plan)	SWRCB	In September 2012, SWRCB staff held four informal staff workshops to discuss and solicit public comments on a proposed Statewide Biological Objectives Policy and Program of Implementation for Perennial, Wadeable Streams. The Science Team released draft manuscripts documenting the technical work to support development of policy for review and comment on 5/2/13. Joint Stakeholder/Regulatory Advisory Group meetings were held in 2013 to discuss the technical documents, major implementation issues raised by the regulated community, and regulatory options. Stakeholder meetings have continued in 2014 & 2015 with participation from Program staff. In July 2014, the SWRCB presented an outline for the Draft Biological Integrity Assessment Implementation Plan which will not include "objectives" but will include benchmarks that describe conditions necessary to protect aquatic life beneficial uses and methods to measure biological condition. The SWRCB is targeting the release of a draft policy/amendment in 2015, with adoption in 2016.	NA	CASQA submitted comments on the policy alternatives and suggested an implementation framework on 10/19/12. CASQA representatives (including Program staff) met with the SWRCB staff on 2/12/14. In preparation for the meeting, a preliminary draft flowchart was developed showing how bio-objectives could be implemented on a statewide basis. Program staff will continue to participate in discussions with SWRCB staff (through CASQA) and work with other stormwater Permittees on responses to the proposed amendments/policy.
Sediment Quality Objectives	SWRCB	Currently, the schedule is to have this policy completed by the middle of 2017. SWRCB staff is looking at secondary effects of sediment contamination, such as the consumption of fish that have been in an environment with contaminated sediment. Investigative 'tiers' have been defined to determine if secondary effects are important at a given location. For sites with high quality data, the investigator may want to by-pass the first two investigative tiers, and proceed directly to Tier 3 to save resources. But a small MS4 may not have the background data to make a determination on the significance of secondary effects, and may elect to go through Tier 1 and Tier 2.	NA	CASQA and Program staff will track development of the new sediment quality objectives and prepare comments as needed.

Status of California Stormwater Quality Related Policies and Permits (Active)

July 2015

Policy/Permit/Objective	Lead Regulatory Agency	Status of Regulatory Action	Comments Due	Status of Comments
SF Bay Policies/Objectives				
Nutrient Numeric Endpoints (NNEs) for SF Bay	SWRCB & RWQCB	The SWRCB and RWQCB are in the process of developing NNEs specific to SF Bay. A stakeholder advisory group (SAG) and nutrient technical workgroup (NTW) meet frequently to guide development and provide technical support. SAG meetings held in 2012 prioritized the work effort over the next 1-5 years. A Nutrient Management Strategy presenting a draft strategy for developing the necessary science to inform decisions was released in Nov 2012. A Nutrient Loading Report prepared by SFEI was released on 1/23/14 and a Nutrient Assessment Framework is anticipated in mid 2015.	NA	Based on review of documents, Program comments are not needed at this stage of development of the Draft Nutrient Management Strategy. SFEI's Nutrient Loading Report was funded by the RMP. Program staff plan to continue tracking the development of the NNEs for SF Bay. The Program Managers of the Santa Clara and San Mateo stormwater programs participate as part of the Nutrient Steering Committee and periodically brief BASMAA members. Each manager alternates attending.
Federal Policies/Guidance				
Waters of the US (WOTUS) Proposed Rule	USACE & USEPA	This new rule, published in the Federal Register 5/27/15 and effective approx. 9/1/15, impacts how the USACE and USEPA will take jurisdiction for WOTUS. The goal is to enhance protection of jurisdictional waters and predictability of the program by providing more definition for tributaries and neighboring wetlands. When the rule was proposed in 2014, there was concern that it could affect MS4s by potentially expanding the waters defined as receiving waters to include the MS4 system. Comments addressing these concerns were submitted on 11/14/14. The final rule does not change the regulation of waters in MS4s and encourages the use of green infrastructure. Specifically, stormwater control measures constructed on dry land to convey, treat, or store stormwater are <u>not</u> WOTUS. Note that Waters of the State are not the same as WOTUS and are defined more broadly under the State Water Code.	NA	Program staff will continue to track via participation in the CASQA Policy and Permitting Subcommittee and will review any future CASQA draft comments.
NA = Not Applicable, TBD = To Be Determined				

Status of California Stormwater Quality Related Policies and Permits (Completed)

July 2015

Policy/Permit/Objective	Lead Regulatory Agency	Status of Regulatory Action	Status of Comments/Next Steps
NPDES Permits			
Assessing Costs of Compliance Stakeholder Group	SWRCB, RWQCBs and CASQA	The SWRCB has convened a statewide stakeholder group made up of SWRCB and RWQCB staff and regulated dischargers to initiate an assessment of the costs of compliance with waste discharge requirements, including NPDES stormwater and wastewater permits, irrigated lands, and waste discharge to land. The goal of the assessment will be to identify potential opportunities to reduce compliance costs without hindering the Water Boards' ability to protect water quality. The kick-off meeting was held on 10/24/12. Permittees have been asked to form stakeholder groups, and the CASQA Executive Director Geoff Brosseau is leading the stormwater group. The stormwater group prepared a matrix of key cost drivers and ways to reduce the cost of permit compliance, and presented information to the State Board on 1/22/13, with progress updates on 4/9/13 and 6/18/13. Cost information will be examined during development of the Stormwater Strategic Initiative.	Program staff participated in the stormwater stakeholder group.
CalTrans NPDES Stormwater Permit (Order No. 2012-0011-DWQ)	SWRCB	The final CalTrans NPDES Stormwater Permit was adopted at a public hearing on 9/19/12 and became effective on 7/1/13. The permit was reopened in Feb 2014 to add TMDL implementation language and the changes were adopted on 5/20/14. CalTrans has several options for TMDL compliance including coordination with local MS4s.	Program staff will continue to track permit activity and BASMAA and CASQA efforts, particularly as they relate to CalTrans TMDL compliance actions.
Statewide Phase I MS4 Stormwater Permit Work Group	SWRCB, RWQCBs and CASQA	The CASQA Executive Director, Chair, and several Board members participated in 14 meetings with a Statewide Work Group made up of SWRCB and RWQCB staff, to discuss improvements to the MS4 permit process and create consistency across the state. Products included a series of guiding principles and an annotated template for a municipal stormwater permit. SWRCB staff is vetting products with RWQCB staffs and getting some resistance in Regions 4 and 9, which have adopted or are in the process of adopting MS4 permits. CASQA has provided updates to Phase I MS4 program managers in several conference calls. SWRCB staff have stated that completion of this effort is not a high priority at this time and the timeframe for distribution of products to MS4s is unknown.	Program staff has been tracking but has had limited opportunity to participate. Staff pushed for release of draft documents for MS4 stakeholder review but this effort seems to have stalled. Program staff will continue to track if this becomes active again.

Status of California Stormwater Quality Related Policies and Permits (Completed)

July 2015

Policy/Permit/Objective	Lead Regulatory Agency	Status of Regulatory Action	Status of Comments/Next Steps
Industrial Stormwater NPDES Permit (Order No. 2014-0057-DWQ)	SWRCB	The new Industrial General Permit was adopted by the SWRCB on 4/1/14 and will become effective on 7/1/15. The new permit has several significant changes including: new types of Permittees, SMARTS enrollment & reporting, increased monitoring, NALs, and elimination of group monitoring. CASQA developed a subscription-based online handbook and SWPPP Template to complement the new permit. CASQA also developed a free fact sheet to provide guidance on the no exposure certification (NEC)	CASQA is continuing to provide guidance to the industrial stormwater community. Task to track reissuance of the State Industrial General Permit is complete. No further tracking is necessary.
NDPES Permit for Phase II MS4s (Order No. 2013-0001-DWQ)	SWRCB	The Phase II Small MS4 General Permit was adopted on 2/5/13 and became effective on 7/1/13. The final permit includes a reopener clause to accomodate possible policy changes. The new permit is more prescriptive and includes Permittee-specific TMDL requirements, SMARTS enrollment & reporting, and increased monitoring.	Task to track reissuance of the Phase II Small MS4 General Permit is complete. No further tracking is necessary at this time.
Statewide Policies/Objectives			
SF Bay Policies/Objectives			
Federal Policies/Guidance			
EPA Residual Designation Petitions	US EPA	Petitions were filed in July 2013 in EPA Regions 1, 3 and 9 by NRDC, California Coastkeeper and others requesting that EPA use its residual designation authority to require NPDES permits for all non-de minimis stormwater discharges from commercial, industrial and institutional (CII) facilities discharging into impaired waters. In March 2014 Region 9 responded that it will continue to evaluate currently unregulated stormwater runoff sources for potential designation. However, there is currently insufficient information to support a region-wide designation to the sites specified in the petition.	CASQA Policy and Permitting Subcommittee is no longer tracking this issue.
EPA Construction Effluent Limitations Guidelines (ELGs)	US EPA	Released in December 2009 and item of most concern was numeric effluent limitation for turbidity. Limits were eventually stayed. On 4/1/13, EPA published proposed changes to the ELGs and standards for the Construction and Development point source category pursuant to a settlement agreement. The proposed rule withdrew the numeric discharge standards and changed several of the non-numeric provisions of the existing rule.	CASQA Construction Subcommittee will continue to track policy as needed.

Status of California Stormwater Quality Related Policies and Permits (Completed)

July 2015

Policy/Permit/Objective	Lead Regulatory Agency	Status of Regulatory Action	Status of Comments/Next Steps
EPA Stormwater Rulemaking Process	US EPA	Proposed rule will include performance standards for new and redevelopment; retrofit requirements; extended MS4 coverage. Rule currently in OMB review. EPA originally intended to publish a proposed rule by 6/10/13 and complete a final action by 12/10/14. In March 2014, EPA announced that it was “deferring” on the national stormwater rule and shifting resources to strengthen its existing program.	No further tracking is necessary at this time.
EPA memo "Establishing TMDL WLAs for Storm Water Sources and NPDES Permit Requirements based on those WLAs"	USEPA	This guidance replaces earlier guidance describing the general approach for complying with water quality standards (WQS). Surrogate pollutant parameters (e.g., flow) for TMDL WLAs are not proposed. Support for implementing BMPs using an iterative approach is expressed. However, EPA recommends that MS4 programs include explicit and measurable permit requirements and, where feasible, numeric effluent limitations (NELs) to meet WQS. NELs are defined to include concentration limits and loads in discharge and on-site stormwater retention volume or % of effective impervious cover. EPA also recommends disaggregating stormwater sources in TMDLs.	No further tracking is necessary at this time.

C/CAG AGENDA REPORT

Date: July 21, 2015
Item: 4E
From: Matthew Fabry, Program Coordinator
Subject: Other Issues/Subcommittee Updates

(For further information or questions contact Matthew Fabry at 650 599-1419)

RECOMMENDATION

Staff will provide verbal updates on any other relevant issues, along with the attached written materials.

ATTACHMENTS

1. Upcoming Meetings Summary
2. Recent Subcommittee Meeting Minutes

UPCOMING MEETINGS AND WORK SHOPS

MEETINGS

- Stormwater Committee – meets at 2:30 pm, third Thursday of the month, as needed. Next meeting is tentatively scheduled for August 20, San Mateo County Transit District Office, City of San Carlos.
- Technical Advisory Committee – meets 10 am to noon, third Tuesday of the month, quarterly. Next meeting is tentatively scheduled for October 20, City of San Mateo Main Library.
- New Development Subcommittee – meets 1:30 to 3:30 pm, second Tuesday of the month, quarterly. Next meeting is tentatively scheduled for August 11 at the Redwood Shores Library in Redwood City.
- Public Information/Participation Subcommittee – meets 10:00 am to noon, second Tuesday of the month, quarterly. Next meeting is TBD (August 11 meeting was cancelled).
- Municipal Maintenance Subcommittee – meets noon to 1:00 pm (\$10.00 lunch), fourth Wednesday of the month, quarterly. The next meeting is tentatively scheduled for August 26 at Redwood Shores Library, Redwood City.
- Parks Maintenance and Integrated Pest Management Work Group – meets 1:30 to 3:00 pm, fourth Tuesday of the month, three times per year. Next meeting is tentatively scheduled for August 25 at the City of Redwood City’s Community Activities Building.
- Trash Subcommittee – meets as needed. Next meeting is TBD.
- Litter Work Group – meets as needed. The next event is TBD.
- Commercial/Industrial/Illicit Discharge Control Subcommittee – meets 1:00 to 2:30 pm, third Wednesday of the month, quarterly. Next meeting is tentatively scheduled for September 16 at San Mateo County Environmental Health, City of San Mateo.
- Watershed Assessment and Monitoring Subcommittee – meets 10:00 am to noon, second Thursday of the month, approximately two times per year. Next meeting is TBD at San Mateo County Environmental Health, City of San Mateo.
- Water Utility Work Group – meets as needed. No meetings are scheduled at this time.

WORKSHOPS

- None currently scheduled.

Watershed Assessment and Monitoring (WAM) Subcommittee Report

Meeting Date: June 11, 2015

Attendees: Bonnie de Berry, EOA, Inc.; Jon Konnan, EOA, Inc.; Kiley Kinnon, City of Burlingame; Natalie Asai, Town of Hillsborough; Rob Lecel, City of South San Francisco; Sarah Scheidt, City of San Mateo; Frank Amoroso, City of San Carlos; Adrian Lee, City of Redwood City; Patrick Ledesma, San Mateo County.

Subcommittee Action Items: Approved summary minutes from February 12, 2015 WAM meeting.

Requested Technical Advisory Committee Action or Feedback/Guidance (if any): None.

Announcements: None

Creek Status Monitoring (MRP Provision C.8.c):

Bonnie gave a presentation on Creek Status Monitoring requirements and preliminary Water Year 2015 (WY2015) results.

- Creek Status Monitoring addresses two Management Questions: 1) Are conditions in local receiving water supportive of or likely supportive of beneficial uses? and 2) Are water quality objectives being met? The MRP defines the parameters, methods, frequency, and number of sampling stations.
- Sampling stations are both randomly selected and targeted. Randomly selected (probabilistic) stations are monitored for bioassessment and chlorine. A subset of the random stations are monitored for toxicity and sediment chemistry. Targeted stations are monitored for general water quality parameters (temperature, dissolved oxygen, pH, dissolved oxygen) and toxicity.
- Results of monitoring are compared to triggers. Triggers are water quality objectives or other benchmarks. If a sample exceeds a trigger, the site is considered for a Stressor/Source Identification (SSID) project under Provision C.8.d of the MRP.
- WY2015 is the fourth year of Creek Status Monitoring under the MRP. There is now a total of 32 urban and 8 non-urban stations that have been monitored through the probabilistic design. This meets the number of stations required for statistically significant analyses (i.e., 30).
- The targeted component of the monitoring design is continuing to focus on San Mateo Creek (to support Stressor/Source Identification projects) and the Bear Creek Subwatershed of San Francisquito Creek (which supports steelhead populations).

Stressor/Source Identification Projects (MRP Provision C.8.d.i):

Bonnie described the two SSID projects that SMCWPPP is implementing. Both are in San Mateo Creek:

- The *Low Dissolved Oxygen SSID Project* addresses low dissolved oxygen (DO) concentrations detected at De Anza Historical Park. Low DO was not measured during the WY2014 field investigation. Increases in releases from Crystal Springs reservoir

following an improvement project conducted by the San Francisco Public Utilities Commission have eliminated the low DO concentrations at the locations monitored. These findings will be confirmed in WY2015. The Draft Project Report is currently being reviewed by WAM Subcommittee members.

- The *Indicator Bacteria SSID Project* addresses exceedances of fecal coliform water quality objectives at De Anza Historical Park and Gateway Park in the City of San Mateo. Microbial source tracking (MST) methods were employed to identify whether the organisms contributing to the exceedances were “controllable.” Human genetic markers were present year-round and dog markers were present during storm events. Improvements to the sanitary sewer infrastructure being implemented by the Cities of San Mateo and Hillsborough may result in lower fecal coliform densities in the creek. The Draft Project Report should be ready for WAM Subcommittee review in late July.

Pollutants of Concern Loads Monitoring (MRP Provision C.8.e)

Bonnie described the pollutants of concern (POC) monitoring that was conducted in WY2015.

- The Pulgas Creek Pump Loading Station, one of six regional stations, was monitored for flow and water chemistry in WY2012-WY2014.
- In WY2015, a collaborative decision was made by the BAMSAA Regional Monitoring Coalition (RMC), the Small Tributaries Loading Strategy (STLS) Team, and Regional Water Board staff to shift focus from loading stations to **source area identification** with an ultimate goal of identifying properties that can be referred to regulatory agencies for investigation and abatement of PCBs (and other pollutants).
- SMCWPPP is implementing the PCBs and Mercury Opportunity Area Analysis using the BASMAA RMC iterative process for screening old industrial parcels.
- The Assessor’s Database was screened for old industrial parcels. Permittees assisted in confirming the land uses and identifying parcels with a higher likelihood of containing and releasing PCBs resulting in a map with parcels classified as High, Moderate, or Low interest. The High interest parcels were prioritized for sampling.
- In January and February, 2015, SMCWPPP collected 101 bedded sediment samples from manholes, catch basins, and street gutters for PCBs and mercury analysis. The goal of this targeted reconnaissance sampling is to identify catchments where further studies would be conducted to try to hone in on source properties.
- Five of the 101 samples had total PCBs concentrations exceeding 0.5 mg/kg, which is the current BASMAA RMC threshold for further study. The associated areas will be investigated in future years through additional sampling, property records review, and other methods.
- An important finding of the study was the overall low PCB concentrations measured compared to the Bay Area sediment database. This suggests that most of the areas with elevated PCBs in San Mateo County may have already been identified.
- The Draft Report on the Opportunity Area Analysis for WAM Subcommittee review is anticipated in late-July.

MRP 2.0

The MRP 2.0 Tentative Order is now available for review and comment. Two public hearings

were scheduled (June 10 and July 8) and written comments are due July 10. Bonnie described the primary differences between MRP 1.0 and 2.0 for Provision C.8 (Monitoring). Jon described the primary concerns with Provisions C.11 and C.12 (Mercury and PCBs TMDLs).

- Provision C.8 (Water Quality Monitoring) of MRP 2.0 maintains the same Management Questions as MRP 1.0.
 - Some Creek Status monitoring requirements have been expanded (e.g., bioassessment protocol) and some have been reduced (e.g., toxicity, CRAM).
 - MRP 2.0 does not have a provision for a geomorphic project or citizen monitoring.
 - POC monitoring has been entirely re-written compared to MRP 1.0 to allow for more flexibility in meeting requirements while putting a cap on the level-of-effort.
 - SMCWPPP has only minor comments on Provision C.8
- SMCWPPP and other Bay Area stormwater programs have serious concerns with Provision C.11/C.12 (Mercury and PCBs TMDLs).
 - The extensive comments that SMCWPPP provided on the Administrative Draft were not addressed in the Tentative Order.
 - Much of the testimony during the June 10 hearing focused on similar concerns with the proposed PCBs provision.
 - The permit requires a PCBs load reduction of 3 kg/year and development of an accounting system to measure reductions. However, there is a great deal of uncertainty in the effectiveness of controls and many related factors are beyond the control of Permittees (e.g., rates of redevelopment and demolition and how many source properties will be identified). Thus it is uncertain whether the 3 kg/year can be realized. The requirements would therefore leave Permittees vulnerable to potential costly third party lawsuits.
 - The top three control measures include source property referrals, green infrastructure, and control of PCBs from building materials during demolition.
 - The BASMAA Pollutants of Concern and Monitoring Workgroup is continuing to work with Regional Water Board staff in an attempt to develop a BMP-based approach that would provide Permittees a clear path to compliance.

Subcommittee Work That Affects Other Subcommittees: None

Next Meeting Date: TBD

DRAFT Water Utility Work Group Report

Meeting Date: June 16, 2015

Subcommittee Actions:

- None

Requested Action or Feedback/Guidance (if any): None.

Other Information/Announcements:

- **MRP 2.0 Status.** The current Municipal Regional Stormwater Permit (MRP 1.0) contains requirements for potable water discharges from permittees that are also water utilities under conditionally exempt discharges Provision C.15.b.iii. The MRP 2.0 Tentative Order released in May 2015 no longer contains these requirements. The Regional Water Board's intent is that the permittees that are also Water Utilities should instead seek coverage under the new State Drinking Water System Discharges General Permit (Order 2014-0194-DWQ) (http://www.swrcb.ca.gov/water_issues/programs/npdes/docs/drinkingwater/final_statewide_wqo2014_0194_dwq.pdf). The current MRP 1.0 requirements remain in effect until the MRP 2.0 effective date, potentially December 1, 2015.

The State General Permit requires applicable Drinking Water Systems to file a Notice of Intent (NOI) or Notice of Non Applicability (NONA) by September 1, 2015. Given the MRP 1.0 requirements remain in effect until the MRP 2.0 effective date, which will be after September 1st, it is recommended that permittees file a NONA by September 1, 2015 to continue coverage under MRP 1.0. Once the MRP 2.0 is adopted permittees should file a NOI for coverage under the State General Permit if MRP 2.0 does not maintain a conditionally exempt category for planned and unplanned potable water discharges.

- **Notice of Non-Applicability.** The group reviewed the NONA form. Since many of the agencies use SFPUC water, the group requested Kristin identify the Water Purveyor information needed for the form.
- **Notice of Intent.** The group reviewed the NOI form and the information required, including the site schematic. The NOI application should be submitted when MRP 2.0 is adopted, if MRP 2.0 does not regulate potable water discharges. It was highly recommended that permittees complete the NOI package now and have it readily available. The NOI application may take some time to complete, including the site schematic.
- **State Drinking Water System General Permit.** Kristin presented the notification, monitoring, recordkeeping and reporting requirements of the State General Permit. The power point presentation will be made available on the SMCWPPP website.
- **MRP Program Adjustments.** The group reviewed what adjustments that would be needed to their current programs if coverage is obtained under the State General Permit. The September 15, 2015 MRP Annual Report will contain the discharge monitoring data from

July 1, 2014 through June 30, 2015. The September 15, 2016 MRP Annual Report will contain the discharge monitoring data from July 1, 2015 through the date the MRP 2.0 effective date and an NOI is filed for coverage under the State General Permit (potentially December 1, 2015).

Program staff prepared four Draft Fact Sheets on implementation of the State General Permit:

- Planned Drinking Water System Discharges to Storm Drain BMPs (Fact Sheet #6)
- Unplanned (Emergency) Drinking Water System Discharge to Storm Drain BMPs (Fact Sheet #8)
- General Permit Tables (Fact Sheet #5)
- General Permit Flow Chart (Fact Sheet #7)

These Draft Fact Sheets will be emailed to the Work Group for review and comments. The final Fact Sheets will be posted to the SMCWPPP website on the Municipal Maintenance Subcommittee members only website. The current MRP Fact Sheets are posted on the same webpage.

Kristin also requested the group provide comments on future Program assistance they might desire including additional meetings, development of data collection forms, development of reporting forms or a training workshop.

Subcommittee Work That Affects Other Subcommittees: None.

Next Steps:

- Kristin will email the Work Group the four Draft Fact Sheets for review.
- Kristin will post the State General Permit power point presentation on the SMCWPPP website.
- Kristin will identify the SFPUC contact information required for the NONA and NOI forms.

Next Meeting Date: None scheduled.

DRAFT CII Subcommittee Report

Meeting Date: June 17, 2015

Subcommittee Actions:

- Agreed that the March 2015 subcommittee meeting summary was acceptable.

Requested Action or Feedback/Guidance (if any): None.

Other Information/Announcements:

- **Update on County Environmental Health (CEH) Inspections.** The CEH Stormwater Inspection data are available on SMCWPPP's flowstobay.org website under Annual Report Guidance. On the Annual Report Guidance page there is a list of the individual cities. When you click on a city name you are directed to a OneDrive folder. This folder contains an Excel workbook with a tab containing all of the inspection data and a summary tab for annual reporting. The folder also contains one or two files with the pdf inspection reports. The Excel spreadsheets and pdf files will be periodically updated with the current CEH inspection report data. Patrick Ledesma will let the cities know when the tables are completed through June 30th for the Annual Report. He will also add the required Facility List and Facilities for inspection in the next FY. CEH is also pilot testing paperless inspection forms in the field.
- **MRP 2.0.** The Tentative Order (TO) was released in May 2015. The draft SMCWPPP comment letter will be distributed to the Stormwater Committee on June 18th and comments on the letter are due by July 2nd. For cities that would like to submit their own comment letter the Tentative Order (TO) comment period ends July 10th. The group discussed the TO changes (in comparison to MRP 1.0) to Provisions C.4, C.5, C.13 and C.15.
- **MRP 1.0 Annual Reporting.** The BASMAA Annual Report forms are available and have been approved by the Regional Water Board. Kristin will let the Subcommittee know if there will be SMCWPPP specific guidance Annual Reporting forms developed this year.
- **Mobile Business Outreach.** The group discussed the results of the mobile cleaners Facebook post in April 2015. The group agreed that the CII Subcommittee should work with CEH and the PIP Subcommittee for future mobile business outreach activities.
- **Other Information.** Members shared some interesting illicit discharge cases.

The new State Industrial Stormwater General Permit (IGP) has moved the previous Category 10 light manufacturing industries into Category 2. Previously the Category 10 light manufacturing industries could evaluate if they did not have any stormwater exposure that they did not need coverage under the IGP. In the new permit these industries must file a No Exposure Certification (NEC) and annual re-certify no exposure. Kristin shared a State Board NEC outreach brochure available on their website at

http://www.swrcb.ca.gov/water_issues/programs/stormwater/docs/toolbox/nec_brochure.pdf.

Municipal Stormwater Inspectors can use this as outreach when they encounter these

facilities during their routine inspections. The MRP requires permittees to report non-filers to the Regional Water Board.

Subcommittee Work That Affects Other Subcommittees: None.

Next Steps:

- Provide Program Annual Report guidance to the Subcommittee when it is available.

Next Meeting Date: The Subcommittee is tentatively scheduled to meet next on Wednesday September 16, 2015 at 1:00 pm.